

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 15404 of 2015 (A)

PETITIONER(S):

**VIDYA T.K.,
W/O. MANOJ, KARIKKAN HOUSE, NEERCHAL P.O.,
KANNUR CITY, KANNUR.**

**BY ADVS.SRI.K.C.SANTHOSHKUMAR
SMT.K.K.CHANDRALEKHA**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, GOVERNMENT OF KERALA,
THRIUVANANTHAPURAM - 695 001.**
- 2. KANNUR MUNICIPALITY,
KANNUR, REPRESENTED BY ITS SECRETARY - 670 001.**
- 3. THE SECRETARY,
KANNUR MUNICIPALITY, KANNUR - 670 001.**

**R1 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA
R2-R3 BY ADV. SRI.K.K.CHANDRAN PILLAI (SR.)
R2-R3 BY ADV. SMT.S.AMBILY
BY ADV. SRI.ARUN ANTONY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 15404 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE REGISTRATION CERTIFICATE DATED 24.10.2007
ISSUED TO THE PETITIONER.**

**EXHIBIT P2: TRUE COPY OF THE LICENCE DATED 9.12.2014 ISSUED BY JOINT
DIRECTOR, FACTORIES & BOILERS DEPARTMENT.**

**EXHIBIT P3: TRUE COPY OF THE CONSENT LETTER FROM POLLUTION CONTROL
BOARD VIDE FILE NO.PCB/KNR/ICO/4298/2014.**

**EXHIBIT P4: TRUE COPY OF THE CONSENT LETTER DATED 2.7.2014 ISSUED BY THE
ASSISTANT DIVISIONAL OFFICER, FIRE & RESCUE SERVICES., KANNUR.**

**EXHIBIT P5: TRUE COPY OF THE CERTIFICATE DATED 8.7.2014 ISSUED BY THE
DISTRICT OFFICER, GROUND WATER DEPARTMENT, KANNUR.**

**EXHIBIT P6: TRUE COPY OF THE REQUEST DATED 14.7.2014 SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.**

EXHIBIT P7: TRUE COPY OF THE ACKNOWLEDGMENT DTD.14.7.2014.

EXHIBIT P8: TRUE COPY OF THE RELEVANT PAGE OF NEWS ITEM.

**EXHIBIT P9: TRUE COPY OF THE RELEVANT PAGE OF THE NEWS ITEM PUBLISHED
IN MALAYALA MANORAMA DAILY DATED 18.5.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 15404 of 2015

Dated this the 26th day of May, 2015

J U D G M E N T

Aggrieved by the non consideration of the petitioner's application for permit for installation of electric motor in the premises owned by the petitioner, she has come up before this Court.

2. The petitioner was conducting a dyeing and manufacturing unit of yarn as permitted by the Department of Industries of the Government of Kerala since 18.08.2005. The petitioner alleges that respondents 2 and 3 asked her to produce certain documents such as Clearance Certificate from the Pollution Control Board, Clearance from District Medical Officer for installation of 55 HP electric motor, No Objection Certificate from Fire and Rescue Department, permission from Factories and Boilers Department, installation permit for 55 HP electric motor and permission from Mining and Geologic Department for digging bore well etc. She was further

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asked to stop the working of the unit till the aforesaid documents are produced. The petitioner alleges that she has produced all the documents except the permit for installation for electric motor, which is to be granted by respondents 2 and 3. She submitted an application for the same on 14.07.2014. Her grievance is that her request remains unattended till date. She further alleges that there is a deliberate attempt on the part of a group of unruly elements of the locality to prevent the petitioner from getting the permit and restarting her unit. The file with respect to the application of the petitioner is regularly found missing; it is alleged. Therefore, the petitioner is seeking the intervention of this Court for a consideration of her application.

3. When the matter came up for admission, the learned Standing Counsel for the respondent municipality took notice.

4. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent municipality and the learned Government

Pleader in the matter.

5. The learned counsel for the petitioner confined his argument to the limited prayer for a consideration of Ext.P6 application now pending before the 2nd respondent municipality within a time frame.

Therefore, the writ petition is disposed of directing the 2nd respondent to consider and pass appropriate orders on Ext.P6 application after affording the petitioner an opportunity of being heard. This shall be done in the next meeting of the council. The entire exercise shall be completed within a period of one month from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the respondent municipality at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-