

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 19937 of 2012 (N)

PETITIONER :

**JOHN K. JOHN,
KAINEDATHU HOUSE, OMALLOOR P.O.,
OMALLOOR, PATHANAMTHITTA.**

**BY ADVS.SRI.JACOB P.ALEX
SRI.JOSEPH PALEX**

RESPONDENT(S):

- 1. OMALLOOR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
OMALLOOR P.O.,PATHANAMTHITTA, PIN -689 647**
- 2. THE SINGLE WINDOW CLEARANCE BOARD,
DISTRICT INDUSTRIAL CENTRE - PATHANAMTHITTA,
KOZHENCHERRY P.O., PATHANAMTHITTA, PIN- 689 654.**
- 3. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS CHIEF ENGINEER, PATHANAMTHITTA,
PIN -689 645.**
- 4. AMMINI THOMAS, CHAKKALETHU HOUSE, KURISHUMOODU JN.,
OPP. BPCL PETROL PUMP, OMALLOOR P.O.,
PATHANAMTHITTA, PIN -689 647.**
- 5. REMANI MATHEW, C/O.AMMANI THOMAS, CHAKKALETHU HOUSE,
KURISHUMOODU JN. OPP BPCL PETROL PUMP,
OMALLOOR P.O.,PATHANAMTHITTA, PIN- 689 647.**

R1 BY ADVS. SRI.S.P.ARAVINDAKSHAN PILLAY

SMT.N.SANTHA

SRI.S.A.ANAND

R3 BY ADV. SRI.M.R.ARUNKUMAR, SC, POLLUTION CONTROL BOARD

R4 BY ADV. SRI.K.SHAJ

SRI.SAJJU.S

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S) EXHIBITS

- EXT.P-1 TRUE COPY OF THE CERTIFICATE DATED 28-05-2010 OBTAINED BY THE PETITIONER.
- EXT.P-2 TRUE COPY OF NOC BEARING NO.A2 - 734/2011 DATED 08.03.2011 ISSUED BY 1ST RESPONDENT.
- EXT.P-3 TRUE COPY OF THE COMMUNICATION NO.C-2177/2000 DATED 10-08-2011 (LICENSE) ISSUED BY THE 2ND RESPONDENT.
- EXT.P-4 TRUE COPY OF THE CONSENT NO.ICE/PTA/154/2011 DATED 01.04.2011 ISSUED BY THE 3RD RESPONDENT.
- EXT.P-5 TRUE COPY OF THE LICENSE DATED 24.11.2011 ISSUED BY THE DEPARTMENT OF FACTORIES AND BOILERS.
- EXT.P-6 TRUE COPY OF THE LOAN SANCTION LETTER DATED 30-06-2011 ISSUED BY THE STATE BANK OF TRAVANCORE.
- EXT.P7(a) TRUE COPY OF INVOICE NO.159 DATED 11.07.2012.
- EXT.P7(b) TRUE COPY OF INVOICE NO.160 DATED 11.07.2012
- EXT.P7(c) TRUE COPY OF INVOICE NO.161 DATED 11.07.2012
- EXT.P-8 TRUE COPY OF NOTICE NO.A2-3303/12 DATED 12.07.2012 ISSUED BY THE 1ST RESPONDENT.
- EXT.P-9 TRUE COPY OF THE APPLICATION DATED 30.07.2012 SUBMITTED BEFORE 1ST RESPONDENT.
- EXT.P-10 TRUE COPY OF THE NOTICE NO.A4-960/2011 DATED 13.08.2012 ISSUED BY THE 1ST RESPONDENT.
- EXT.P-11 TRUE COPY OF THE APPLICATION DATED 07/07/2012 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT SEEKING ISSUANCE OF D & O LICENCE.
- EXT.P-12 TRUE COPY OF THE NOTICE DATED 18/10/2012 ISSUED BY THE SBT, OMALLOOR BRANCH TO PETITIONER.

RESPONDENTS' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.19937 of 2012

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Dated this the 10th day of March, 2015

JUDGMENT

Ext.P10 issued by the first respondent saying that the petitioner's building cannot be numbered and no licence could be issued in view of severe opposition from the local people is under challenge in this writ petition.

2. The petitioner, who is a small entrepreneur, was issued Ext.P3 single window clearance by the 2nd respondent so as to enable him to start a hollow brick manufacturing unit. According to the petitioner, it was issued on the basis of the NOC issued by the first respondent and consent from all other departments. According to him, Ext.P3 was not challenged and it has attained finality.

3. The petitioner alleges that he has constructed the building and purchased machineries as evident from Ext.P7 series after availing a loan for ₹1,25,000/- from State Bank of Travancore, as

evident from Ext.P6. According to the petitioner, Ext.P10 is illegal and without jurisdiction.

4. This Court by order dated 27.9.2012 granted interim stay of Ext.P10 for a period of one month and the first respondent was directed to provisionally number the petitioner's building subject to further orders of this Court.

5. The learned counsel for the petitioner submits that on the basis of the aforesaid direction, the building was provisionally numbered. Subsequently, the respondent panchayat has issued licence and the petitioner is running the unit for the last three years.

6. The learned standing counsel for the respondent panchayat would submit that there is discrepancy in the plan submitted by the petitioner for single window clearance as well as the plan submitted before the State and Ext.P8 has been issued to the petitioner and the petitioner has submitted Ext.P9 reply. The stand taken by the respondent in Ext.P10 will not stand as the petitioner has obtained

single window and the same has not been challenged in appeal before the Tribunal for Local Self Government.

7. This Court has an occasion to consider a similar issue in **Parayil Granular Industries v. Kumaranalloor Grama Panchayat** [2009 (2) KLT 1012] wherein it was held that the very purpose of single window clearance is to resolve all matters relating to the grant of licence for industrial purposes and no person who has obtained a clearance under the Act should be left high and dry to run pillar to post for reliefs on the basis of such clearance. Viewed in that profile, Ext.P10 need not be allowed to stand.

8. However, on the basis of the submission made by the learned standing counsel for the respondent panchayat, it shall be open to the respondent panchayat to consider Ext.P9 explanation submitted by the petitioner.

Therefore, the writ petition is disposed of quashing Ext.P10 and directing the respondent panchayat to consider Ext.P9

reply submitted by the petitioner after affording him an opportunity of being heard.

A.V.RAMAKRISHNA PILLAI
JUDGE

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