

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937**

**WP(C).No. 16752 of 2015 (T)**  
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**PETITIONER :**  
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**M/S. GAYATHRI ROCK PRODUCTS,  
A PARTNERSHIP FIRM, PAZHAMBALAKODE, PALAKKAD,  
REP BY ITS MANAGING PARTNER, MR. P.P.VINCENT,  
S/O.PAPPU, AGED 50 YEARS.**

**BY ADVS.SRI.JAGAN ABRAHAM M.GEORGE  
SRI.P.JAYABAL MENON**

**RESPONDENT(S) :**  
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- 1. THARUR GRAMA PANCHAYAT,  
THARUR P.O, PALAKKAD, PIN -678 544,  
REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY,  
THARUR GRAMA PANCHAYAT, THARUR P.O,  
PALAKKAD, PIN- 678 544**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 12-06-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**sts**

WP(C).No. 16752 of 2015 (T)

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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- P1: TRUE COPY OF THE LICENSE DATED 17.05.2014 ISSUED BY THE RESPONDENT
- P2: TRUE COPY OF THE CONSENT TO OPERATE CERTIFICATE DATED 27.09.2012 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD, HAVING VALIDITY UPTO 30.06.2015
- P3: TRUE COPY OF THE SANITARY CERTIFICATE DATED 21.04.2015 BY THE HEALTH INSPECTOR, PAZHAMBALAKODE
- P4: TRUE COPY OF THE CASH RECEIPT DATED 11.03.2015 ISSUED BY THE RESPONDENT TOWARDS THE LICENSE FEE PAYMENT
- P5: TRUE COPY OF THE NOTICE DATED 23.05.2015 OF THE RESPONDENT
- P6: TRUE COPY OF THE APPLICATION DATED 19.03.2015 SUBMITTED BY THE PETITIONER BEFORE THE KERALA STATE POLLUTION CONTROL BOARD, PALAKKAD
- P7: TRUE COPY OF THE NOTICE DATED 29.05.2015 OF THE RESPONDENT

**RESPONDENT(S)' EXHIBITS:**

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NIL

/TRUE COPY/

P.A.TO JUDGE

sts

**A.V. RAMAKRISHNA PILLAI, J.**

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**W.P.(C) No. 16752 of 2015**  
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**Dated this the 12<sup>th</sup> day of June, 2015**

**J U D G M E N T**

Aggrieved by Ext.P5 notice issued by the 1<sup>st</sup> respondent refusing to renew the licence of the petitioner and directing the petitioner to close down the business, the petitioner has come up before this Court.

2. The petitioner is a partnership firm engaged in the business of metal crushing since 2006. It is alleged that it has been conducting the said industry strictly in accordance with the permission and licences issued by the statutory authorities from time to time. The property surrounding the stone crusher unit, having an extent of nearly 12 acres, is owned by the partners of the petitioner itself and the nearest dwelling house is at a distance of 300 meters; it is alleged. According to the petitioner, there is absolutely no pollution or nuisance caused to anybody much less to the nearby residents. The

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petitioner's grievance is that the 1<sup>st</sup> respondent issued Ext.P5 notice, not renewing licence and directing to close the business unit of the petitioner on the ground that the consent order of the pollution control board is going to expire on 30.06.2015. Thereafter, Ext.P7 was also issued alleging pollution by the nearby residents, which, according to the petitioner, is without any basis or finding. The petitioner alleges that Exts.P5 & P7 are issued without application of mind or material or records and purely on a superfluous manner. According to the petitioner, none of the statutory authority has raised any issue regarding pollution. Hence this writ petition.

3. Though notice has been served on the respondent panchayath, they did not turn up.

4. Evidently, Exts.P5 & P7 were issued without hearing the petitioner, violating the principles of natural justice and also against Section 233 of the Kerala Panchayath Raj Act and other provisions of law. According to the learned counsel for the petitioner, the

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petitioner's unit is functioning with all the statutory permissions and licences and the respondent ought to have granted renewal licence for the year, 2015-16, especially, as per Rule 12(3)(c) of the Kerala Panchayath Raj (Issue of Licence to Dangerous and Offensive Trades and Factories) Rules, 1996, which envisages a deemed licence. It was pointed out that the entire work of the petitioner has come to a standstill because of the issuance of Exts.P5 & P7. The closure of the petitioner's unit has not only affected the petitioner but also the workers of the petitioner's unit. The learned counsel for the petitioner further pointed out that the 1<sup>st</sup> respondent was being carried away by the protest of some of the local inhabitants, who are on inimical conditions on the petitioner.

Considering the materials now placed on record, this Court is of the view that the petitioner is entitled to get the reliefs as prayed for.

Therefore, the writ petition is allowed. Exts.P5 & P7

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are set aside. Respondent panchayath is directed to consider the petitioner's application for renewal of licence after affording the petitioner an opportunity of being heard 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 along with a copy of this writ petition before the respondent panchayath at the earliest.

Sd/-  
**A.V. RAMAKRISHNA PILLAI**  
**JUDGE**

bka/-