

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

WP(C).No. 18042 of 2015 (E)

PETITIONER:

**BAIJU M.R, MARIKKAL HOUSE,
KUZHUR P.O, PARAPPURAM,
THRISSUR - 680724.**

**BY SRI.K.JAJU BABU (SENIOR ADVOCATE)
ADV. SMT.M.U.VIJAYALAKSHMI**

RESPONDENT(S):

- 1. KUZHUR GRAMA PACHAYATH,
KUZHUR P.O, PARAPPURAM,
THRISSUR DISTRICT - 680734,
REPRESENTED BY ITS SECRETARY**
- 2. THE SECRETARY,
KUZHUR GRAMA PANCHAYATH, KUZHUR P.O,
PARAPPURAM, THRISSUR DISTRICT - 680734.**
- 3. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
BUILDING NO.27/166/13 (BEHIND BIG BAZAR)
KOVILAKATHUMPADAM, CHEMBUKKAVU,
THRISSUR - 680 020.**
- 4. SRI. K.V. MOHANAN, KUNNAPPILLY HOUSE,
KUZHUR P.O, THRISSUR DISTRICT - 680724.**

**R1 & R2 BY ADV. SRI.S.VIDYASAGAR
R3 BY SRI. M.AJAY, SC
R4 BY ADVS. SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-08-2015, THE COURT ON 03-11-2015 DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 18042 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXHIBIT P1: COPY OF THE RECEIPT OF APPLICATION FEE NO. 11401100755
DATED 23.7.2014 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P2: COPY OF THE CONSENT NO.PCBTSR/IC/5505/2014 ISSUED BY THE
3RD RESPONDENT.
- EXHIBIT P3: COPY OF THE LETTER NO. A3 3738/14 DATED 29.12.2014 ISSUED BY
THE 2ND RESPONDENT.
- EXHIBIT P4: COPY OF THE LETTER NO. PCB/TSR/ COM/ MKM/ 188/2014
DATED 21.11.2014 ISSUE DBY THE 3RD RESPONDENT.
- EXHIBIT P5: COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 11.3.2015
IN WPC 3646/2015.
- EXHIBIT P6: COPY OF THE APPLICATION DATED 1.4.2015 SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT P7: COPY OF THE NOTICE A6.1866/15 DATED 16.4.2015 ISSUED BY THE
2ND RESPONDENT TO THE PETITIONER.
- EXHIBIT P8: COPY OF THE ORDER A6.1866/15 DATED 21.4.2015 ISSUED BY THE
2ND RESPONDENT.
- EXHIBIT P9: COPY OF THE COMMUNICATION NO.PCB/TSR/5505/14 DATED 10.4.2015
ISSUED BY THE POLLUTION CONTROL BOARD.
- EXHIBIT P10: COPY OF THE JUDGMENT DATED 17.1.2014 OF THIS HONOURABLE
COURT IN WPC NO.856/2014.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18042 of 2015

Dated this the 26th day of June, 2015.

JUDGMENT

Ext.P8 order, by which the petitioner's application for building permit was rejected, is under challenge in this writ petition.

2. The petitioner is running a small scale industrial unit within the jurisdiction limits of the first respondent panchayat. The petitioner alleges that the unit was functioning in a temporary shed and hence the petitioner submitted application for construction of a building before the respondent panchayat. Ext.P2 consent was issued by the Pollution Control Board. However, as per Ext.P3, the 2nd respondent informed the petitioner that the third respondent has asked to ensure that consent is obtained from the Pollution Control Board. By Ext.P4 letter along with Ext.P3 given to the petitioner, it is stated that the unit of the petitioner is not having consent from the Pollution Control Board. Petitioner challenged Exts.P3 and

P4 before this Court and obtained Ext.P5 judgment directing respondents 1 and 2 to consider the petitioner's application for building permit. Pursuant to Ext.P5, hearing was conducted and now Ext.P8 order has been issued rejecting the application for building permit stating that the fourth respondent is objecting the same.

3. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent panchayat in the matter.

4. In the nature of the submissions and the nature of the relief sought for, the writ petition is disposed of permitting the petitioner to file an application for regularisation. The respondent panchayat after regularisation shall issue the building permit.

It shall be open to the respondent panchayat to verify whether the petitioner is complying with the conditions imposed by the Kerala State Pollution Control Board in Ext.P2 consent while finalising the same. This shall be done within a

period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.