

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 18543 of 2015 (P)

PETITIONER :

**M/S.BONE MEALS INDIANA PVT.LTD.,
PAZHAMBALAKODE P.O., PALAKKAD – 678 544
REP. BY ITS MANAGING DIRECTOR P.P. BAIJU
AGED 46 YEARS, S/O. P.V. PAPPU
PAZHAMBALAKODE P.O., PALAKKAD – 678 544.**

**BY ADVS.SRI.JAGAN ABRAHAM M.GEORGE
SRI.P.JAYABAL MENON
SMT.K.J.GISHA
SMT.V.K.REMASMRITHI**

RESPONDENT(S) :

- 1. SUB - INSPECTOR OF POLICE
ALATHUR, PALAKKAD – 678 541.**
- 2. CIRCLE-INSPECTOR OF POLICE
ALATHUR, PALAKKAD – 678 541.**
- 3. DY. SUPERINTENDENT OF POLICE
ALATHUR, PALAKKAD – 678 541.**
- 4. THE MEMBER SECRETARY
KERALA STATE POLLUTION CONTROL BOARD
TRIVANDRUM – 695 001.**
- 5. JAYARAM K.C.,
S/O. CHANDRAN, AGED 31 YEARS
PRESIDENT, NEW DEEPAM ARTS AND SPORTS CLUB
THOTTUMPALA, PAZHAMBALAKODE, ALATHUR – 678 541.**
- 6. SIMESH G.,
S/O. GANGADHARAN, AGE NOT KNOWN
SECRETARY, NEW DEEPAM ARTS AND SPORTS CLUB
THOTTUMPALA, PAZHAMBALAKODE, ALATHUR – 678 541.**

7. SHINTO ROBIN
S/O. AND AGE NOT KNOWN
CHACKAMPARAMBIL HOUSE
THOTTUMPALA, PAZHAMBALAKODE,
ALATHUR – 678 541.

R1 TO R3 BY SR. GOVT. PLEADER SRI. C.R. SYAMKUMAN
R4 BY ADV. SRI. M.AJAY, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE SMALL SCALE INDUSTRIES REGISTRATION CERTIFICATE DATED 31/3/1986 ISSUED BY THE DISTRICT INDUSTRIES CENTRE, PALAKKAD TO THE PETITIONER.
- EXT.P2 COPY OF THE LICENSE DATED 15/5/2014 ISSUED BY THE 2ND RESPONDENT FOR THE YEAR 2014-2015 FOR THE PERIOD UPTO 31/3/2015.
- EXT.P3 COPY OF THE ORDER NO. G2(K/DIS) 16396/84 DATED 22/09/1984 ISSUED BY THE DISTRICT MEDICAL OFFICER OF HEALTH, PALAKKAD ISSUED TO THE PETITIONER.
- EXT.P4 COPY OF THE CONSENT TO OPERATE DATED 5/7/2012 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD HAVING VALIDITY UPTO 30/6/2015.
- EXT.P5 COPY OF LICENSE DATED 14/7/2011 ISSUED BY THE JOINT DIRECTOR OF FACTORIES AND BOILERS, ERNAKULAM VALID UPTO 31/12/2015.
- EXT.P6 COPY OF THE NOTICE DATED 23/5/2015 OF THE SECRETARY, THARUR PANCHAYAT.
- EXT.P7 COPY OF THE NOTICE DATED 29/5/2015 OF THE SECRETARY THARUR PANCHAYAT.
- EXT.P8 COPY OF THE ORDER DATED 16/6/2015 IN WP(C) NO. 18032/2015.
- EXT.P9 COPY OF THE COMPLAINT DATED 2/6/2015.
- EXT.P10 COPY OF THE NOTICE DATED 15/6/2015 (MISTAKENLY STATED AS 15/5/2015) FROM THE 4TH RESPONDENT.
- EXT.P11 COPY OF THE INJUNCTION PETITION IA NO. 1011/2015 IN OS NO. 249/2015 DTD. 3/6/2015.

(Contd...)

WP(C).No. 18543 of 2015 (P)

- EXT.P12 COPY OF THE ORDER OF THE HON'BLE MUNSIFF COURT IN IA
NO. 1011/2015 IN OS NO. 249/2015 DT. 5/6/2015.
- EXT.P13 COPY OF THE COMPLAINT DATED 17/6/2015 SUBMITTED TO THE
RESPONDENTS 1 TO 3.
- EXT.P13(a) COPY OF THE ACKNOWLEDGMENT DATED 17/6/2015 ISSUED BY THE
1ST RESPONDENT.

RESPONDENT'S EXHIBITS : NIL

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P.S. TO JUDGE

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ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.P (C) No. 18543 of 2015

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Dated this, the 22nd day of June, 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard the learned counsel for the petitioner, learned Government Pleader appearing for respondents 1 to 3 and Adv.Sri.M.Ajay, standing counsel appearing for the 4th respondent. No notice is being issued to respondents 5 to 7 in view of the judgment which is being passed.

2. Petitioner has come up in the writ petition seeking only limited relief. Learned counsel for the petitioner submits that the relief in the writ petition is confined only to the prayer that petitioner be permitted to remove the waste material in the machines which have been stopped on account of stop memo. He submits that unless the machines are cleared from the bones and other materials which is stuck up in the machine, further pollution is likely to be caused. He submits that Kerala State Pollution Control Board has already issued Ext.P10 notice dated 15th of

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May, 2015 directing certain measures to be taken by the petitioner. He submits that in view of the injunction order passed by the learned Magistrate, he is not in a position to do anything. Learned counsel for the petitioner undertakes that petitioner shall not run the unit unless appropriate orders are obtained.

3. In the above view of the matter, we only direct that the 1st respondent shall ensure that petitioner is permitted to clear and wash his machines and take up the stuck material in the machines. Petitioner shall also take measures as directed by Pollution Control Board in its letter dated 15/5/2015 (Ext.P10).

Writ petition is disposed of as above.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

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PS to Judge