

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 18709 of 2015 (K)

PETITIONER(S):

**M/S. KRISHNA PETRO PARK,
PERAMANGALAM P.O., THRISSUR-680 545.
REP.BY ITS PROPRIETOR C.K.RAVINDRAN, AGED 56
S/O.KRISHNAN EZHUTHACHAN, CHOREPPATTUVALAPPIL
PERAMANGALAM P.O., THRISSUR-680 545.**

**BY ADVS.SRI.DINESH R.SHENOY
SRI.SANIL JOSE**

RESPONDENT(S):

- 1. THE KAIPARAMBU GRAMA PANCHAYATH,
O/O.THE KAIPARAMBU GRAMA PANCHAYATH, P.O.MUNDOOR,
THRISSUR-680 541, REP.BY ITS SECRETARY.**
- 2. THE BHARAT PETROLEUM CORPORATION LTD.,
ERNAKULAM TERRITORY,
IRUMPANAM INSTALLATION,
IRUMPANAM-682 309.REP.BY THE TERRITORY MANAGER.**
- 3. SMT.REMA A., KOTTAPURATH HOUSE,
(KOUSTHUBHAM), PERAMANGALAM, PERINGANNOOR,
THRISSUR-680 545.**
- 4. SHRI.CHANDRAN A.A., MULARUTHU VEEDU (SREEHARI),
PERAMANGALAM, PERINGANNOOR, THRISSUR-680 545.**
- 5. THE MEDICAL OFFICER, PRIMARY HEALTH CENTRE,
MUNDOOR, THRISSUR-680 541.**
- 6. THE KERALA STATE POLLUTION CONTROL BOARD,
BUILDING NO.27/166/13 (BEHIND BIG BAZAR)
KOVILAKATHUMPADAM, CHEMBUKKAVU, THRISSUR-680 020,
REPRESENTED BY THE TERRITORY MANAGER, KPSCB
THRISSUR.**

WP(C).No. 18709 of 2015 (K)

* ADDL.R7 & R8 IMPEADED

7. SURENDRAN. K,
S/O.GOPALAN NAIR, KOTTAPURATH VEEDU,
PERAMANGALAM, PERINGANOOR, TRICHUR - 680 545.

8. JOSE PAUL, S/O.PYLODH,
THERATTIL MUNDANKURIAN VEEDU, PERAMANGALAM,
PERINGANOOR, TRICHUR - 680 545.

ADDL.R7 AND R8 ARE IMPEADED AS PER ORDER DATED 08.07.2015
IN IA 9252/15.

R1 BY ADV. SRI.T.M.CHANDRAN, SC,
R2 BY SRI.M.GOPIKRISHNAN NAMBIAR
R3-R4,R(ADDL 7 & 8) BY ADV. SRI.JOSHI VARGHESE
R5 BY GOVERNMENT PLEADER SMT.ANITHIA RAVEENDRAN
R6 BY SRI. M.AJAY, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE PHOTOCOPY OF NO OBJECTION CERTIFICATE ISSUED BY THE ADDL. DISTRICT MAGISTRATE, THRISSUR 16.10.2003.
- EXHIBIT P2: TRUE PHOTOCOPY OF THE LETTER AWARDED THE DEALERSHIP TO THE PETITIONER, ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P3: TRUE PHOTOCOPY OF MEMORANDUM OF AGREEMENT DATED 18.10.2005 BETWEEN THE PETITIONER AND THE 2ND RESPONDENT.
- EXHIBIT P4: TRUE PHOTOCOPY OF LICENSE DATED 12.8.2014 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT.
- EXHIBIT P5: TRUE PHOTOCOPY OF RECEIPT DATED 31.3.2015 ISSUED BY THE FIRST RESPONDENT SHOWING PAYMENT OF LICENSE FEES IN RESPECT OF THE PETROL PUMP.
- EXHIBIT P6: TRUE PHOTOCOPY OF NOTICE DATED 12.6.2015 ISSUED BY THE HEALTH INSPECTOR, PRIMARY HEALTH CENTRE, MUNDOOR.
- EXHIBIT P7: TRUE PHOTOCOPY OF REPLY DATED 12.6.2015 SUBMITTED BY THE PETITIONER TO THE HEALTH OFFICE, MUNDOOR.
- EXHIBIT P8: TRUE PHOTOCOPY OF LETTER DATED 16.6.2015 ISSUED BY THE FIRST RESPONDENT.
- EXHIBIT P9: TRUE PHOTOCOPY OF REPLY DATED 16.6.2015 ISSUED BY THE PETITIONER TO THE FIRST RESPONDENT.
- EXHIBIT P10: TRUE PHOTOCOPY OF NOTICE DATED 17.6.2015 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- EXHIBIT P11: TRUE PHOTOCOPY OF ORDER DATED 17.6.2015 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.
- EXHIBIT P12: TRUE PHOTOCOPY OF TEST REPORT OF THE PIPELINES AT KRISHNA PETRO PARK DATED 6/7/15.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

A.V.RAMAKRISHNA PILLAI, J

WPC No.18709 of 2015

Dated this the 5th day of August, 2015

JUDGMENT

In view of the not pressed memo dated 17.7.2015, this writ petition is dismissed as not pressed, without prejudice to the right of the petitioner to approach this Court again.

sd/- A.V.RAMAKRISHNA PILLAI
JUDGE

css/

true copy

P.S.TO JUDGE

A.V.RAMAKRISHNA PILLAI, J

WPC No.18709 of 2015

Dated this the 30th day of June, 2015

ORDER

The learned standing counsel for the Pollution Control Board shall ascertain as to whether hydro test could be conducted as requested by the petitioner in the

present case.

Post after a week.

A.V.RAMAKRISHNA PILLAI
JUDGE

css/

A.V.RAMAKRISHNA PILLAI, J

WPC No.18709 of 2015

Dated this the 24th day of June, 2015

ORDER

Heard both sides.

As it is submitted by the learned counsel for the first respondent Panchayat that the functioning of the petrol bunk of the petitioner has been stopped and the tanks were emptied, the interim order dated 23rd June 2015 is modified and both parties are directed to maintain the status quo as on today.

The authorised representative of the Kerala State Pollution Control Board shall make an inspection of the petitioner's petrol pump as well as the surrounding water sources to ascertain whether the existence of petrol pump

is causing any pollution to the water sources of the adjacent properties. A report to this effect shall be submitted within three weeks.

Post after three weeks.

A.V.RAMAKRISHNA PILLAI
JUDGE

CSS/