

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 19099 of 2014 (J)

PETITIONER(S):

**BIJU KURIAKOSE, AGED 41 YEARS,
S/O.KURIAKOSE, PROPRIETOR, ST.GEORGE COFFIN WORKS,
MUTHALAKODAM P.O., THODUPUZHA.**

**BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

RESPONDENT(S):

- 1. THE DISTRICT MEDICAL OFFICER,
D.M.O. OFFICE, IDUKKI - 685 584.**
- 2. THE KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY THE SENIOR ENVIRONMENTAL ENGINEER,
BOARD OFFICE, THODUPUZHA - 685 584.**
- 3. JOSEPH THOMAS,
MAMKUDIYIL HOUSE, MUTHALAKODAM P.O.,
THODUPUZHA - 685 605.**

R1 BY GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN

R2 BY ADV. SRI. M.AJAY, SC

**R3 BY ADVS. SRI.GIGIMON ISSAC
SRI.A.K.JAYAPRAKASH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 19099 of 2014 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1- TRUE COPY OF THE COMMUNICATION DATED 29.08.2013 ISSUED BY THE
SECOND RESPONDENT.**

**EXT.P2- TRUE COPY OF THE CONSENT TO OPERATE THE UNIT ISSUED BY THE
KERALA STATE POLLUTION CONTROL BOARD FROM 31.10.2013
TO 31.3.2014.**

**EXT.P3- TRUE COPY OF THE CONSENT TO OPERATE THE UNIT ISSUED BY THE
KERALA STATE POLLUTION CONTROL BOARD UP TO 31.03.2015.**

**EXT.P4- TRUE COPY OF THE COMMUNICATION DATED 28.06.2014 ISSUED BY THE
FIRST RESPONDENT.**

**EXT.P5- TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 18.07.2014 ISSUED
BY THE FIRST RESPONDENT.**

RESPONDENT(S)' ANNEXURES:

**ANNEXURE R2(1): COPY OF THE LETTER NO.PCB/IDK/COMP/TDPA/07/13
DATED 29.8.2013.**

**ANNEXURE R2(2): COPY OF THE CONSENT NO.PCB/IDK/ICO-R1/421/2013
DATED 31.3.2014.**

**ANNEXURE R2(3): COPY OF CONSENT RENEWED NO.PCB/IDK/CTO-R2/157/2013
DATED 8.7.2014.**

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 19099 of 2014

Dated this the 19th day of January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i. Issue a Writ of Certiorari or other appropriate Writs, Orders or Directions to call for the records leading up to Exhibit P-5 and quash condition No's 4 and 5 enumerated therein.*
- ii. Issue a Writ to declare that condition No's 4 and 5 in Exhibits P-5 are illegal and arbitrary."*

2. The learned counsel for the petitioner points out that, unnecessarily the petitioner is being troubled at the instance of the 3rd respondent, who is residing opposite to the premises of the petitioner, and has raised some frivolous complaints alleging pollution.

3. The writ petition was admitted by this Court as early as on 24.07.2014. The interim order passed on that day was extended on different occasions thereafter. No counter affidavit has been filed from the part of the 3rd respondent. The 2nd respondent has filed a report as directed by this Court, whereby it has been stated that, the instructions given by the Pollution

Control Board have been complied with by the petitioner and the inspection conducted on 03.07.2014, did not reveal any objectionable activities or instance of pollution. The report submitted by the Pollution Control Board is put on record.

4. In view of the turn of events and also the submission made by the learned counsel for the Workers concerned that, the workers are not prepared to wear the gloves as stipulated by the District Medical Officer (vide Ext.P5 Clause 4 and 5), this Court finds that the alleged non-implementation of the same cannot be stand in the way of the petitioner in operating the unit.

The writ petition is disposed of, without prejudice to the rights and liberties of the Pollution Control Board to conduct periodical inspection, if necessary, and to take appropriate remedy, if so necessary.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.