

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 20711 of 2015 ()

PETITIONER :

M/S. K.K.ROCKS & GRANITES INDIA (P) LTD.,
KOTTACKAL, TC 2/3497, PATTOM,
THIRUVANANTHAPURAM- 695 004,
REPRESENTED BY ITS MANAGING DIRECTOR ,
SRI. ARUN VARGHESE.

BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.PAUL JACOB
SRI.ENOCH DAVID SIMON JOEL
SRI.S.SREEDEV
SRI.RONY JOSE
SRI.GEORGE A.CHERIAN

RESPONDENT(S):

1. PALLICHAL GRAMA PANCHAYATH,
VEDIVACHANKOVIL P.O, BALARAMAPURAM,
THIRUVANANTHAPURAM- 695 501,
REPRESENTED BY ITS SECRETARY.
2. SECRETARY,
PALLICHAL GRAMA PANCHAYAT, VEDIVACHANKOVIL P.O.,
BALARAMAPURAM , THIRUVANANTHAPURAM -695 501

***ADDL.R3 IMPEADED**

***ADDL.R3: THE KERALA STATE POLLUTION CONTROL BOARD,
PATTOM, THIRUVANANTHAPURAM-4.**

***IS SUO MOTU IMPEADED AS ADDITIONAL R3 AS PER ORDER
DATED 9/7/2015 IN WP(C)**

**R1 & R2 BY ADV.SRI.T.KANANDA KRISHNAN
ADDL.R3 BY SRI.M.AJAY, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 20711 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE PANCHAYAT LICENSE DTD 16-04-2014 ISSUED
BY THE 1ST RESPONDENT VALID TILL 31-03-2015
- EXHIBIT P2 TRUE COPY OF THE CONSENT DTD 01-01-2014 ISSUED BY THE
POLLUTION CONTROL BOARD VALID TILL 30-06-2015
- EXHIBIT P3 TRUE COPY OF THE JUDGMENT DTD 04-06-2015 IN WP(C) 13868/2015
ON THE FILES OF THIS HON'BLE COURT
- EXHIBIT P4 TRUE COPY OF THE LICENSE DTD 30-05-2015 ISSUED TO THE
PETITIONER VALID TILL 30-06-2018
- EXHIBIT P5 COPY OF THE ORDER DATED 24/06/2015 ISSUED BY THE POLLUTION
CONTROL BOARD EXTENDING THE VALIDITY OF EXT.P2 CONSENT
TILL 30/06/2018
- EXHIBIT P6 TRUE COPY OF THE COVERING LETTER DTD 28-06-2015 ISSUED BY
THE PETITIONER TO THE 2ND RESPONDENT
- EXHIBIT P6(A) TRUE COPY OF THE RECEIPT DTD 27-06-2015 ISSUED BY THE 2ND
RESPONDENT

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.20711 of 2015

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Dated this the 13th day of July, 2015

JUDGMENT

The petitioner has come up before this Court for the second time on account of the inaction on the part of the respondent panchayat in renewing their application for a licence to run the metal crusher unit by them.

2. The petitioner alleges that there is no impediment whatsoever for granting renewal of the panchayat licence. During every previous occasion for renewal, the panchayat took the same callous attitude and this Court had to castigate the panchayat. However, the panchayat is not taking any action. It is with this background, the petitioner has approached this Court.

3. Arguments have been heard.

4. Ext.P3 is the judgment rendered by this Court dated 4.6.2015 in W.P(C) No.13868 of 2015 when the petitioner's application was

not considered by the respondent panchayat on account of some objections raised by the local inhabitants. At that time, the respondents took the contention that the petitioner was not having clearance certificate from the Pollution Control Board. However, the consent issued by the Pollution Control Board was there and a copy of the same was produced as Ext.P1 in that case. The learned counsel for the petitioner would submit that the consent has been renewed by the Pollution Control Board. A copy of the same is marked as Ext.P5 which reveals that the petitioner has consent from the Pollution Control Board to operate the unit upto 30.6.2018.

5. This Court has asserted in Ext.P3 judgment that the reason pointed out by the respondent panchayat for non-consideration of the petitioner's application that the local inhabitants are objecting the same, is not a valid ground for rejecting the application. It is quite unfortunate that a citizen is driven to the risk of approaching this Court time and again because of the lethargy on the part of the respondent panchayat.

Therefore, the writ petition is allowed. The respondent panchayat is directed to renew the licence of the petitioner in the light of Ext.P5 consent to operate ssued by the Kerala State Pollution Control Board within two weeks from the date of receipt of a copy of this judgment.

It is made clear that, as the petitioner is having continued consent from the Pollution Control Board, he can operate the crusher unit forthwith.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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