

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937**

**WP(C).No. 21271 of 2015 (H)**  
-----

**PETITIONER:**  
-----

**M/S.MARIA GRANITES,  
MALLIKASSERY P.O, PAIKA, PALA,  
KOTTAYAM DISTRICT -686 577,  
REPRESENTED BY ITS MANAGING PARTNER  
JOHN JACOB.M.,AGED 51 YEARS, S/O.M.M.YACOB.**

**BY ADV. SRI.JOBI JOSE KONDODY**

**RESPONDENTS:**  
-----

- 1. MEENACHIL GRAMA PANCHAYAT,  
REPRESENTED BY ITS SECRETRY,  
MEENACHIL GRAMA PANCHAYAT OFFICE,  
EDAMATTOM P.O., KOTTAYAM DISTRICT- 686 578**
- 2. THE SECRETARY,  
MEENACHIL GRAMA PANCHAYAT,  
MEENACHIL GRAMA PANCHAYAT OFFICE,  
EDAMATTOM P.O, KOTTAYAM DISTRICT- 686 578**
- 3. THE ENVIRONMENTAL ENGINEER,  
KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE,  
ST. ANTONY'S COMPLEX, NAGAMPADAM,  
KOTTAYAM DISTRICT- 686 002**

**R3 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**sts**

APPENDIX

PETITIONER(S)' EXHIBITS

-----

- P1:- A TRUE COPY OF THE D & O LICENSE ISSUED BY THE SECOND RESPONDENT DTD 20/5/2014 VALID UPTO 31/3/2015 TO THE PETITIONER FIRM SHOWING MR BINESH G VADATH AS MANAGING PARTNER OF THE FIRM.
- P2:- A TRUE COPY OF THE D & O LICENSE ISSUED BY THE SECOND RESPONDENT DTD 20/5/2014 FOR THE CRUSHER UNIT OF THE PETITIONER FIRM FOR THE YEAR 2014-2015
- P3:- A TRUE COPY OF THE APPLICATION DTD 19/2/2015 FOR RENEWAL OF EXT P1 FOR THE YEAR 2015-2016
- P4:- A TRUE COPY OF THE APPLICATION DTD 19/2/2015 FOR RENEWAL OF EXT P2 FOR THE YEAR 2015-2016
- P5:- A TRUE COPY OF THE ORDER DTD 18/3/2015 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER
- P6:- A TRUE COPY OF THE ORDER DTD 18/3/2015 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER REFUSING TO RENEW EXT P2 FOR THE YEAR 2015-2016
- P7:- A TRUE COPY OF THE INTERIM ORDER DTD 1/4/2015 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WPC.NO. 10943 OF 2015
- P8:- A TRUE COPY OF THE INTERIM ORDER DTD 23/4/2015 IN IA NO.755 OF 2015 IN COMPLAINT NO.663 OF 2015 PASSED BY THE KERALA LOK AYUKTA
- P9:- A TRUE COPY OF THE INTERIM ORDER DTD 25/6/2015 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WPC NO 18295 OF 2015
- P10:- A TRUE COPY OF THE MINUTES OF THE MEETING OF THE FIRST RESPONDENT DTD 3/7/2015 AND DECISION NO. I TAKEN IN THE SAID MEETING
- P11:- A TRUE COPY OF THE CONSENT TO OPERATE ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER TO OPERATE THE QUARRY DTD 22/8/2012 VALID UPTO 30/6/2015
- P12:- A TRUE COPY OF THE CONSENT TO OPERATE THE PETITIONER FIRM DTD 19/8/2014 VALID UPTO 30/6/2015
- P13:- A TRUE COPY OF THE RENEWAL APPLICATION DTD 27/3/2015 SUBMITTED BY THE PETITIONER BEFORE THE THIRD RESPONDENT FOR RENEWING EXT P11

**WP(C).NO.21271/2015**

**P14:- A TRUE COPY OF THE RENEWAL APPLICATION 27/3/2015 SUBMITTED BY THE PETITIONER BEFORE THE THIRD RESPONDENT FOR RENEWING EXHIBIT P12**

**P15:- A TRUE COPY OF THE LETTER DTD 30/6/2015 ISSUED BY THE THIRD RESPONDENT TO THE SECOND RESPONDENT WITH COPY TO THE PETITIONER**

**P16:- A TRUE COPY OF THE INTERIM ORDER DTD 10/7/2015 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONOURABLE COURT IN WPC NO 18295 OF 2015**

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

**NIL**

**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

**A.V.RAMAKRISHNA PILLAI, J.**

= = = = =

W.P(C) No.21271 of 2015

= = = = =

Dated this the 14<sup>th</sup> day of July, 2015

**JUDGMENT**

Aggrieved by the delay on the part of the 3<sup>rd</sup> respondent in considering the petitioner's applications for renewal, the petitioner has come up before this Court.

2. The petitioner is a partnership firm conducting a crusher unit and quarry in and around 30 acres of land comprised in Sy. No.477/4-6, 101, 102, 103 of Poovarani and Kondoor village, within the limits of respondent panchayat. The firm is represented by its managing partner. The petitioner alleges that due to some health problems, the erstwhile managing partner of the petitioner firm is now unable to move from his bed and accordingly, the partnership deed of the petitioner firm was amended and Mr. Jacob John was made as the new managing partner. The entire licenses, except D&O licence issued by the second respondent wherein Mr. Binesh G. Vadath was shown as the managing partner was changed showing the name of the present managing partner. The petitioner firm filed Exts.P3 and P4 applications for renewal of Exts.P1 and P2 for the year 2015-2016 which was rejected by the second respondent vide

Exts.P5 and P6 orders stating that the quarrying lease and the consent to operate from the third respondent are in the name of Mr. Binesh G. Vadath. The possession certificate issued by the Village Officer also shows the property of the firm is in the name of Mr. Binesh G. Vadath.

3. Challenging Exts.P5 and P6, the petitioner preferred W.P(C) No.10943 of 2015 before this Court and by Ext.P7 interim order, the second respondent was directed to consider the renewal application filed by the present managing partner of the petitioner firm. It was also stated that until then the petitioner is permitted to carry out its business activities. In the meantime, the Kerala Lok Ayuktha passed Ext.P8 order restricting the respondents from renewing Exts.P1 and P2 for the year 2015-2016. The same was challenged before this Court vide W.P(C) No.18925 of 2015 wherein this Court by Ext.P9 interim order directed the second respondent to consider the renewal applications *de hors* Ext.P8 order passed by the Kerala Lok Ayuktha after hearing all parties.

4. The second respondent passed Ext.P10 decision to renew Exts.P1 and P2 for the year 2015-2016 subject to the renewal of Exts.P11 and P12 consent to operate by the third respondent. The

grievance of the petitioner is that even though he submitted Exts.P13 and P14 applications during the month of March, 2015 for renewing Exts.P11 and P12 beyond 30.6.2015, till date the third respondent has not renewed Exts.P11 and P12. It is with this background, the petitioner has come up with this writ petition.

5. Heard the learned counsel for the petitioner and the learned standing counsel for the third respondent.

6. The learned standing counsel for the third respondent on instructions submitted that the Environmental Engineer had made an inspection of the petitioner's unit today and the third respondent would be able to complete the exercise of considering the renewal applications within ten days. However, it is crucial to note that the petitioner was enjoying the benefit of the consent to operate from the Pollution Control Board and only because of interference by local people, the unit happened to be stopped by the orders of the Lok Ayuktha and subsequent orders of this Court for a limited period.

7. However, by that time, the consent already granted by the third respondent expired and this Court by interim order in the said writ petition has permitted the petitioner herein to continue the unit

on clearance from the Pollution Control Board. Therefore any inordinate delay in considering the petitioner's applications would put the petitioner to irreparable hardship and injury.

In the result the writ petition is disposed of directing the third respondent to expedite the process and issue formal orders on the renewal applications within a period of one week from today.

Sd/-  
**A.V.RAMAKRISHNA PILLAI**  
**JUDGE**

krj