

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).No. 22253 of 2015 (F)

PETITIONERS :

- 1. PRABALAM, AGED 38 YEARS,
S/O ACHUTHAN, MOORAYIL HOUSE, P.O.VELLOOR,
THRISSUR - 680601.**
- 2. V.A.UNNIKRISHNAN,
VENGINISSERY HOUSE, P.O.VELLOOR, THRISSUR-680601.**

BY ADV. SRI. DINESH MATHEW J.MURICKEN

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT (PANCHAYATH)
LOCAL ADMINISTRATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. VELOOR GRAMA PANCHAYATH, P.O.VELLOOR
THRISSUR-680001 REPRESENTED BY ITS SECRETARY.**
- 3. THE SECRETARY
VELOOR GRAMA PANCHAYATH, P.O.VELLOOR, THRISSUR-680 001.**
- 4. HIJITH N.S.,
NEELAMBILLY VEEDU, CHITILAPPILLY P.O.,
THRISSUR-680551.**

**R1 BY GOVERNMENT PLEADER SMT. ANITHA RAVEENDRAN
R2 & R3 BY ADVS. SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.VINAYA V.NAIR
R4 BY ADVS. SRI.G.SREEKUMAR (CHELUR)
SRI.K.R.ARUN KRISHNAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONERS AND OTHERS BEFORE THE 2ND RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE RESOLUTION OF THE PANCHAYATH COMMITTEE OF THE 2ND RESPONDENT PANCHAYATH DATED 28.3.2015.

EXHIBIT P3: TRUE COPY OF THE NOTICE ISSUED BY THE 3D RESPONDENT DATED 6.4.2015.

EXHIBIT P4: TRUE COPY OF THE MINUTES OF THE RESOLUTION NO.6 OF PANCHAYATH COMMITTEE OF THE 2ND RESPONDENT PANCHAYATH DATED 2.5.2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J.

= = = = =

W.P(C) No.22253 of 2015

= = = = =

Dated this the 30th day of July, 2015

JUDGMENT

The petitioners are aggrieved by the construction of a factory building by the 4th respondent which, according to them, is done without any valid permission from the respondent panchayat.

2. The petitioners are the residents of Ward No.13 of respondent grama panchayat. The 4th respondent has submitted an application to construct a tread rubber factory in his property. The petitioners and other residents filed complaint stating that the proposed site of the factory is located in a densely populated area and tread rubber factory is prone to create pollution.

3. The petitioners allege that the panchayat committee of the 2nd respondent panchayat filed Ext.P4 refusal to grant permission to the 4th respondent to establish tread rubber factory. The grievance of the petitioners is that in spite of Ext.P4, the 4th respondent is continuing with the construction of the factory building and the 3rd respondent who is statutorily bound to prevent the illegal construction made by the 4th respondent is not taking any action. It is with this background, the petitioners have approached this Court.

4. Arguments have been heard.

5. Today when the matter came up for admission, the learned standing counsel for the 3rd respondent panchayat invited my attention to the judgment of this Court in W.P(C) No.15238 of 2015 dated 1.6.2015 by which this Court directed the panchayat to conduct site inspection to satisfy themselves as to whether the claim of the petitioner therein (the 4th respondent herein) was genuine and whether he has secured the requisite licence from the authorities concerned. It was also observed that if it is found by the respondent panchayat on inspection that the petitioner therein (the 4th respondent herein) was holding sufficient required clearance from the other authorities concerned, the application be considered and permit be granted to the petitioner. A time limit was also given.

6. The learned standing counsel for the respondent panchayat would further submit that on the basis of the said direction inspection was conducted and the 4th respondent was directed to comply with certain conditions. Now, the petitioners herein are opposing the proposed functioning of the unit by the 4th respondent. Therefore, this Court is of the view that it is only just and proper to direct the respondent panchayat to consider the petitioners' objection also before finalising the matter.

In the result, the writ petition is disposed of directing the third respondent panchayat to hear the petitioners as well as the 4th respondent and to take a final decision in the matter within a period of one month from the date of receipt of a copy of this judgment. As it is submitted by the learned counsel for the 4th respondent that they have stopped the construction on the basis of the stop memo, that state of affairs shall continue till a decision is taken by the 3rd respondent panchayat.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

krj