

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

WP(C).No. 23379 of 2015 (V)

PETITIONER(S) :

K.P.ANTO,
AGED 49 YEARS, S/.K.G.PAPPACHAN, PROPRIETOR,
MALABAR AGRO TECH, ANANDAPURAM DEVELOPMENT PLOT,
KANNUR P.O., KUMBALA VIA, KASARAGOD DISTRICT.

BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH

RESPONDENT(S) :

1. GOVERNMENT OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF INDUSTRIES,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE DISTRICT OFFICER,
THE DISTRICT INDUSTRIES CENTRE, KASARAGOD-671 121.
3. THE VILLAGE OFFICER,
EDNAD VILLAGE, EDNAD P.O., KASARAGOD-671 321.
4. THE TAHSILDAR,
TALUK OFFICE, MANJESWARAM, KASARAGOD-671 323.
5. THE DISTRICT COLLECTOR,
COLLECTORATE, KASARAGOD-671 121.
6. THE DISTRICT ENVIORNEMNTAL ENGINEER,
KEALA STATE POLLUTION CONTROL BOARD, M.A.M. ARCADE,
NEAR RAILWAY STATION, KANHANGAD,
KASARAGOD DISTRICT-671 315.

*ADDL. R7 IMPEADED

- R7. ANANTHAPURA PARISARA SAMRAKSHANA SAMITHI,
NEAR INDUSTRIAL PLOT, ANANTHAPURA, PATHIGE P.O..
KUMBALA - VIA, KASARAGOD DISTRICT, PIN - 671 321,
REPRESENTED BY ITS CONVENOR.

(*ADDL.R7 IMPEADED AS PER ORDER DATED 05.08.2015 IN IA 11314/15.)

ADDL 7 BY ADV. SRI.M.P.ASHOK KUMAR
ADDL 7 BY ADV. SMT.BINDU SREEDHAR
ADDL 7 BY ADV. SMT.R.S.MANJULA
BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN.
BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
14-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1 : TRUE COPY OF THE CONSENT TO OPERATE DATED 14/8/2012 ISSUED BY THE 6TH RESPONDENT VALID UP TO 30/6/2015.
- EXT. P2 : TRUE COPY OF THE CONSENT VARIATION ORDER DATED 23/4/2013 ISSUED BY THE 6TH RESPONDENT.
- EXT. P3 : TRUE COPY OF THE RECEIPT NO.273 OF BOOK NO.3 DATED 14/5/2015 ISSUED FROM THE OFFICE OF THE 6TH RESPONDENT.
- EXT. P3 (A) : TRUE COPY OF THE RECEIPT NO.2106 DATED 24/6/15 ISSUED FROM THE OFFICE OF THE 6TH RESPONDENT.
- EXT. P4 : TRUE COPY OF THE LICENCE DATED 22/6/2015 ISSUED BY THE SECRETARY, PUTHIGE GRAMA PANCHAYATH VALID UP TO 31/3/2016.
- EXT. P4 (A) : TRUE COPY OF THE DIRECTION DATED 20/7/2015 ISSUED BY THE SECRETARY, PUTHIGE GRAMA PANCHAYATH.
- EXT. P5 : TRUE COPY OF THE ORDER DATED 27/7/2015 IN WPC NO.22612/2015 OF THIS HONOURABLE COURT.
- EXT. P6 : TRUE COPY OF THE STOP MEMO BEARING REF. NO.165/15 DATED 29/7/2015 ISSUED BY THE 3RD RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 23379 of 2015

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Dated this the 14th day of September, 2015

J U D G M E N T

The petitioner challenges Ext.P6 stop memo issued by the Village Officer.

2. The petitioner is the proprietor of M/s. Malabar Agro Tech, an industry functioning at the industrial area, namely Anandapuram Development Plot.

3. Ext.P6 stop memo has been issued at the instance of the Tahsildar. It is now submitted by the learned Government Pleader that the Tahsildar received a complaint from Anandapuram Parisara Samrakshana Samithi, the additional 7th respondent herein and based on the complaint it is found that the unit is causing nuisance to the temple and nearby residents. Based on the above the stop memo has been issued.

4. It is also stated by the learned Government Pleader that the unit is being carried on illegally by the petitioner. It is

submitted that allottee of the unit is one Harikrishnan and the petitioner is not an allottee of this unit.

5. The 6th respondent shall inspect unit of the petitioner. If the 6th respondent satisfied that unit of the petitioner is being functioned in accordance with the norms of the Pollution Control Board, necessarily the petitioner shall be permitted to operate the unit. Necessary orders shall be passed by the 6th respondent. Based on the above, the petitioner is free to operate the unit.

6. The decision shall be taken by the 6th respondent within two weeks from the date of receipt of the copy of this judgment.

7. It is open for the 2nd respondent, District Officer to proceed against the petitioner's unit in accordance with law for any violation of the allotment.

The writ petition is disposed, of as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE