

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 23818 of 2015 (B)

PETITIONER:

**SADHANANDHAN K.G., AGED 49 YEARS
S/O.GOPALAN K.N., KAIPPELLIKUDY HOUSE, METHALA P.O.
PERUMBAVOOR - 683 545.**

**BY ADVS.SRI.S.RENJITH
SRI.S.UNNIKRISHNAN (NELLAD)**

RESPONDENTS:

- 1. THE KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE
(ERNAKULAM - II), 1ST FLOOR, MANNA RESIDENCY
M.C.ROAD, PERUMBAVOOR, ERNAKULAM
PIN - 683 542.**
- 2. SENIOR TOWN PLANNER, OFFICE OF THE TOWN PLANNING DEPARTMENT,
4TH FLOOR, CIVIL STATION, KAKKANAD - 682 030.**
- 3. ASAMANNOOR GRAMA PANCHAYATH, ASAMANNOOR P.O., ERNAKULAM,
PIN - 683 549 REPRESENTED BY ITS SECRETARY.**
- 4. THANSEEL P.A.,
PROPRIETOR M/S.TAJ PLY AND BOARDS
S/O.ABDUL RAHMAN K., PLACKAL HOUSE, MUDICKAL P.O.
PERUMBAVOOR, ERNAKULAM - 683 545.**

**R4 BY ADVS. SRI.DEVAN RAMACHANDRAN
SRI.K.M.ANEESH
SRI.ADARSH KUMAR
SRI.BIJU VARGHESE ABRAHAM**

R2 BY GOVERNMENT PLEADER SRI. S. JAMAL

R1 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 COPY OF THE CONSENT ISSUED BY THE 1ST RESPONDENT TO THE
4TH RESPONDENT DATED 01-08-2012**
- EXHIBIT P2 COPY OF THE COMPLAINT DATED 01-01-2015 SUBMITTED BY THE
PETITIONERS BEFORE THE 1ST RESPONDENT**
- EXHIBIT P3 COPY OF THE JUDGMENT DATED 23-02-2015 OF THIS HON'BLE
COURT IN W.P(C) 5664 OF 2015**
- EXHIBIT P4 COPY OF THE INSPECTION REPORT DATED 12-03-2015,REGIONAL
TOWN PLANNING OFFICER, CIVIL STATION, ERNAKULAM**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 23818 of 2015 (B)

Dated this the 13th day of August, 2015

J U D G M E N T

The petitioner is aggrieved with the carrying on of a plywood unit by the 4th respondent. It was earlier challenged by way of another writ petition, which was disposed of by Ext.P3, without hearing the 4th respondent herein, who was the 4th respondent there also.

2. In fact, the learned Single Judge who disposed of Ext.P3 did not pass any order adverse to the 4th respondent and merely directed that the Senior Town Planner and the Panchayath would consider and pass orders on the complaint made by the petitioners therein, after getting report from the Pollution Control Board. It was also directed that the Pollution Control Board would forward the report after a local inspection. The Panchayath is said to be seized of the matter, but however no action has been taken

and in the meanwhile the 'consent to operate' issued by the Pollution Control Board has duly expired on 30.06.2015.

3. The learned counsel for the 4th respondent would submit that the 4th respondent has made an application well within time for renewal of the consent which has not been done till date.

4. In such circumstance, the Pollution Control Board shall carry out the inspection as to the operation of the ply wood unit and then consider the renewal application. The same shall be done within a period of three weeks from the date of receipt of the certified copy of this judgment. The inspection shall be carried on with notice to the petitioner herein and in his presence. The Pollution Control Board would definitely look into all aspects while considering the renewal application, as also Ext.P4 report.

Writ Petition would stand disposed of leaving open the contentions of both parties

Sd/-
K.VINOD CHANDRAN,
JUDGE