

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

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

WP(C).No. 24707 of 2015 (K)

PETITIONER(S):

- 1. RAVEENDRAN PILLAI, AGED 53 YEARS,
S/O.BHASKARAN PILLAI, MAHISREE, VALIYAPADAM,
VILATHARA P.O., WEST KALLADA, KOLLAM DISTRICT.**
- 2. AJAYA KUMAR, AGED 44 YEARS,
S/O.BHASKARAN PILLAI, AJAYABHAVANAM, VALIYAPADAM,
VILATHARA P.O., WEST KALLADA, KOLLAM DISTRICT.**

**BY ADVS.SRI.K.RAKESH ROSHAN,
SMT.THUSHARA.V.**

RESPONDENTS:-

- 1. SECRETARY,
WEST KALLADA GRAMA PANCHAYATH, WEST KALLADA,
VILATHARA P.O., KOLLAM DISTRICT, PIN - 690 521.**
- 2. WEST KALLADA GRAMA PANCHAYATH,
WEST KALLADA, VILATHARA P.O., KOLLAM DISTRICT,
REPRESENTED BY ITS SECRETARY, PIN - 690 521.**
- 3. PRIYA,
W/O.ANTONY ROY, PROPRIETOR, PRIYA FLOOR MILL,
VALIYAPADAM, VILATHARA P.O., WEST KALLADA,
KOLLAM DISTRICT - 690 521.**

R1 & R2 BY ADV. SRI.BINU GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1. TRUE COPY OF THE ORDER DATED 22.06.2012 OF 1ST RESPONDENT DIRECTING THE 3RD RESPONDENT TO STOP FUNCTIONING THE MILL.
- EXHIBIT P2. TRUE COPY OF THE LETTER DATED 26.02.2013 BY 1ST RESPONDENT.
- EXHIBIT P3. TRUE COPY OF THE APPLICATION FOR RENEWAL BY ORDER DATED 20.05.2013.
- EXHIBIT P4. TRUE COPY OF THE ORDER DATED 04.07.2014 OF THE TRIBUNAL FOR LOCAL SELF BODIES.
- EXHIBIT P5. TRUE COPY OF THE COMMON JUDGMENT IN W.P.(C)NOS.20143 & 35503 OF 2014 DATED 18TH FEBRUARY 2015.
- EXHIBIT P6. TRUE COPY OF THE D & O LICENSE DATE 15.05.2015 ISSUED BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT.
- EXHIBIT P7. TRUE COPY OF THE APPEAL/REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.24707 of 2015

Dated this the 13th day of August, 2015.

J U D G M E N T

The petitioners are seeking a direction to the 1st respondent to take action for closure of the flour mill run by the 3rd respondent and also to stay Ext.P6 D & O License.

2. The petitioners are residents in Ward No.3 of the West Kallada Grama Panchayat. The grievance of the petitioners relate to the illegal and unauthorised conduct of spices powder unit in a flour mill in the building adjacent to the petitioners' residence. The petitioners allege that, though license was initially obtained for conduct of a flour mill, a chilly powdering plant was being carried on by the 3rd respondent. The petitioners further allege that the air pollution caused due to the powdering of dried chillies is very high and the families of the petitioners are subject to direct contact with the Capsaicin pollutants emanating from

the flour mill of the 3rd respondent. The pollution level exceeds the tolerance level of air pollution and it also causes irritation to the skin, eyes, nose and internal organs like lungs and it also developed asthma and other diseases ; it is alleged. Complaints filed before various authorities have resulted in Exts.P1 to P3. The 3rd respondent challenged Ext.P3 order before the Tribunal for Local Self Government Institutions without making the affected persons as parties in the said proceedings and obtained Ext.P4 order. As the Unit was not having valid license, it was closed down. The two writ petitions which were filed earlier were disposed by Ext.P5 common judgment. It is also alleged that the 3rd respondent manipulated things to arrange license even by forging the signatures of the petitioners in a stamp paper. Thereafter, contrary to Exts.P1 and P2, the 1st respondent has issued Ext.P6 without stipulating any safety or remedial

measures. Therefore, the petitioners moved Ext.P7 before the 2nd respondent, which was also not considered by the authorities concerned. The 3rd respondent is still carrying on the trade causing maximum nuisance to the petitioners and their family ; it is alleged. It is with this backdrop, the petitioners have approached this Court with this writ petition.

3. I have heard the learned counsel for the petitioners and the learned counsel for the respondents.

4. As the learned counsel for the petitioners has confined his arguments to the limited prayer for a direction to the 1st respondent to consider Ext.P7 representation, this Court is of the view that, this writ petition can be disposed of even without issuing notice to the 3rd respondent.

Therefore, the writ petition is disposed of directing the 1st respondent to consider and pass appropriate orders

on Ext.P7, within a period of 3 weeks of receipt of copy of this judgment, after affording the petitioners as well as the 3rd respondent an opportunity of being heard.

Sd/-
A.V.RAMAKRISHNA PILLAI,
Judge.

ami/

//True copy//

P.A. to Judge