

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 24965 of 2015 (U)

PETITIONER(S):

**M/S ESSAR METAL SAND,
NORTH MAZHUVANNOOR P.O., CHEENIKUZH,
PIN:686689, REPRESENTED BY ITS MANAGING PARTNER,
M.R.RATHEESH.**

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

RESPONDENT(S):

- 1. KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE (ERNAKULAM-II), 1ST FLOOR,
MANNA RESIDENCY, M.C.ROAD, PERUMBAVOOR,
ERNAKULAM, PIN:683542.**
- 2. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE (ERNAKULAM-II), 1ST FLOOR,
MANNA RESIDENCY, M.C.ROAD, PERUMBAVOOR,
ERNAKULAM, PIN:683542.**

BY SRI. M.AJAY, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE CONSENT TO ESTABLISH ISSUED BY THE RESPONDENTS.**
- EXHIBIT P2: THE TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 22.10.2013 ISSUED BY THE DISTRICT MEDICAL OFFICER, ERNAKULAM IN FAVOUR OF THE PETITIONER.**
- EXHIBIT P3: THE TRUE COPY OF THE APPROVAL ISSUED BY THE CHIEF TOWN PLANNER, TRIVANDRUM IN FAVOUR OF THE PETITIONER.**
- EXHIBIT P4: THE TRUE COPY OF THE CERTIFICATE ISSUED BY THE DEPARTMENT OF INDUSRIES IN FAVOUR OF THE PETITIONER.**
- EXHIBIT P5: THE TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE MAZHUVANNOOR PANCHAYATH.**
- EXHIBIT P6: TRUE COPY OF THE NOTICE DATED 25.7.2015 ISSUED BY THE RESPONDENTS.**
- EXHIBIT P7: TRUE COPY OF THE REPLY GVEN BY THE PETITIONER TO EXHIBIT P6.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ANIL K. NARENDRAN, J.

W.P.(C) No.24965 of 2015

Dated this the 18th day of August, 2015

JUDGMENT

The petitioner is a partnership firm desirous to conduct an M-sand manufacturing unit in 40.47 Acres of land in Survey No.270/7 of Mazhuvannoor Village. Ext.P1 is the consent to establish obtained from the Pollution Control Board, Ext.P2 is the No Objection Certificate issued by the District Medical officer, Ext.P3 is the approval issued by the Chief Town Planner, Thiruvananthapuram, Ext.P4 is the certificate issued by the department of Industries and Ext.P5 is the building permit issued by the Mazhuvannoor Grama Panchayath.

2. Now the grievance of the petitioner is that the respondents, after conducting the inspection of the petitioner's unit, has issued Ext.P6 notice dated 25.07.2015 stating that, the petitioner has failed to provide the minimum set back of 25 meter and 50 meter distances from the nearby residences as per their circular. Hence the petitioner was directed to show cause why the consent to operate shall not be refused.

3. On receipt of Ext.P6 notice, the petitioner submitted Ext.P7 pointing out that, there is no residential house within the radius of 150 meters from the unit and that, the set back as required under the location sketch in the consent to operate has already been provided. The specific stand taken by the petitioner in Ext.P7 reply is that, the construction undertaken by it is strictly in accordance with law. Thereafter, the petitioner has approached this Court in this writ petition seeking a writ of certiorari to quash Ext.P6 and for other consequential reliefs.

4. I heard the arguments of the learned counsel for the petitioner and also the learned Standing Counsel appearing for the respondents.

5. Considering the fact that Ext.P7 reply submitted by the petitioner to Ext.P6 show cause notice is pending consideration before the 2nd respondent, I deem it appropriate to dispose of this writ petition without going into the merits of the contentions raised by the petitioner.

In such circumstances, this writ petition is disposed of directing the 2nd respondent to consider and pass appropriate orders on Ext.P6 show cause notice, after considering Ext.P7 reply submitted by the petitioner, as expeditiously as possible, at

any rate, within a period of three weeks from the date of receipt of a copy of this order, after affording the petitioner a reasonable opportunity of being heard.

JV

sd/-
ANIL K. NARENDRAN,
JUDGE