

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 28284 of 2013 (I)

PETITIONER :

**JOBY A.J., AGED 29 YEARS
S/O. JOHNY, ATTOKKARAN HOUSE, P.O. MALA
KAVANADU, THRISSUR, PIN-680731.**

BY ADV. SRI.R.DIVAKARAN

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO LOCAL SELF GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. DIRECTOR OF PANCHAYATS
OFFICE OF THE DIRECTOR OF PANCHAYATS
THIRUVANANTHAPURAM-695033.**
- 3. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER
DISTRICT OFFICE, 6TH FLOOR, SUN TOWER EAST
FORT.P.O., THRISSUR-680005.**
- 4. MALA GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, MALA.P.O., KAVANADU
THRISSUR DISTRICT-680732.**
- 5. THE HEALTH INSPECTOR
GOVERNMENT HOSPITAL, MALA P.O.
THRISSUR DISTRICT-680732.**
- 6. TINO (VARGHESE),
S/O. JOSE, EDATTUKARAN HOUSE, PO MALA
KAVANADU, THRISSUR DISTRICT-680732.**

**R1, R2 & R5 BY GOVT. PLEADER SRI. JUSTIN JACOB
R3 BY ADV. SRI. M.AJAY, SC
R4 BY ADV. SRI.P.K.SAJEEV
R6 BY ADVS. SRI.SHOBY K.FRANCIS
SRI.SEBY JOSEPH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS :

EXT. P1.	THE TRUE COPY OF THE SHOW CAUSE NOTICE DATED 22-7-2013 OF 4TH RESPONDENT.
EXT. P2.	THE TRUE COPY OF THE COMPLAINT DATED 27-7-2013 TO THE 4TH RESPONDENT.
EXT. P3.	THE TRUE COPY OF THE COMPLAINT DATED 7-8-2013 TO THE 5TH RESPONDENT.
EXT. P4.	THE TRUE COPY OF THE COMPLAINT DATED 13-8-2013 TO THE 3RD RESPONDENT.
EXT. P5.	THE TRUE COPY OF THE COMPLAINT DATED 25-10-2013 TO THE 4TH RESPONDENT.
EXT. P6.	THE TRUE COPY OF THE COMPLAINT DATED 1-10-2013 TO THE EXECUTIVE COMMITTEE OF THE 4TH RESPONDENT.
EXT. P7	COPY OF THE COMPLAINT DATED 31.1.2014.
EXT. P8	PHOTOGRAPH
EXT. P9	PHOTOGRAPH
EXT. P10	PHOTOGRAPH
EXT. P11	PHOTOGRAPH
EXT. P12	PHOTOGRAPH
EXT. P13 IN IA NO.579/2015	COPY OF THE MASS PETITION DATED 13.11.2014.
EXT. P14 IN IA NO.579/2015	COPY OF ENQUIRY REPORT NO. F/7300/14 DATED 17.11.2014 OF MALA GRAMA PANCHAYAT.
EXT. P14	COPY OF MASS COMPLAINT SIGNED BY 33 PERSONS OF THE LOCALITY DATED 13.11.2014.
EXT. P15	COPY OF ENQUIRY REPORT OF THE GRAMA PANCHAYAT DATED 31.7.2013.

RESPONDENT(S)' EXHIBITS & ANNEXURES :

EXT. R4(a)	COPY OF COMPLAINT DATED 20.7.2013 GIVEN BY ELSY, W/O. ATTOKKARAN JOHNY TO THE 4TH RESPONDENT.
------------	---

(Contd...)

EXT. R4(b)	COPY OF SANITATION CERTIFICATE DATED 29.7.2013 ISSUED BY THE HEALTH INSPECTOR, COMMUNITY HEALTH CENTRE, MALA TO THE 6TH RESPONDENT.
EXT. R4(c)	COPY OF APPLICATION DATED 12.8.2013 GIVEN BY THE 6TH RESPONDENT FOR GETTING LICENCE UNDER THE KERALA PANCHAYATH RAJ ACT.
EXT. R6(A)	COPY OF THE WRITTEN REQUEST DATED 3-8-2013 SUBMITTED BY ME TO THE 4TH RESPONDENT.
EXT. R6(B)	COPY OF THE PRESCRIBED APPLICATION FORM DATED 3-8-2013 SUBMITTED TO THE 4TH RESPONDENT.
EXT. R6(C)	COPY OF THE RECEIPT DATED 3-8-2013 ISSUED BY THE 4TH RESPONDENT.
EXT. R6(D)	COPY OF THE REQUEST CUM REMINDER DATED 5-10-2013 SUBMITTED TO THE 4TH RESPONDENT.
EXT. R6(E)	COPY OF THE CONSENT TO OPERATE ISSUED BY THE 3RD RESPONDENT.
ANNEXURE R3(a)	COPY OF THE CONSENT TO OPERATE DATED 30.8.2013. COPY OF THE LETTER DATED 28.8.2014.
ANNEXURE R3(b)	COPY OF THE ANALYSIS REPORT DATED 8.10.2013.
ANNEXURE R3(c)	COPY OF THE LETTER DATED 1.11.2013.

//TRUE COPY//

P.A. TO JUDGE

Mn

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 28284 of 2013

Dated this the 23rd day of January, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents, as well as the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, a resident of Ward No.14 of the fourth respondent Grama Panchayat, has a grievance that the sixth respondent has established a poultry farm in the near vicinity of the petitioner's house without any valid licence either from the Pollution Control Board or from the Grama Panchayat. Complaining of what is said to be illegality committed by the sixth respondent, the petitioner is said to have submitted Exhibits P2 to P5 and P13 representations before the fourth respondent. Questioning the in-action of the fourth respondent in considering those representations expeditiously, the petitioner filed the present writ petition.

3. The learned counsel for the sixth respondent has submitted that the sixth respondent has already had the necessary licence from the third respondent Pollution Control Board and that insofar as his application for licence from Grama Panchayat is concerned, it is pending with the Panchayat Committee, the fourth respondent.

4. The learned Standing Counsel for the third respondent has submitted that the Pollution Control Board has issued the licence only for the purpose of establishing a chicken stall, but not a poultry. The learned counsel for the fourth respondent, Grama Panchayat, has submitted that the committee of the Grama Panchayat has been actively seized of the issue and that very soon it is going to take a decision on the application made by the sixth respondent in Exhibits R4(c) and R6(B).

5. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel for the respondents, as well as the learned Government Pleader, without expressing any opinion on the merits of the matter, this Court disposes of the present writ petition with a direction to the fourth respondent Grama Panchayat to consider Exhibits R4(c) and R6(B) said to

have been submitted by the sixth respondent, in accordance with law, after affording an opportunity of hearing to all parties concerned, and pass appropriate orders thereon as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

With the above observation, this writ petition is disposed of.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-