

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 28973 of 2013 (V)

PETITIONER(S):

**V.THANKAPPAN PILLAI,
SREE PADAM, MAMOODE, CHANDANATHOPPE
KOLLAM-4.**

**BY ADVS.SRI.P.RAVINDRAN (SR.)
SRI.SREEDHAR RAVINDRAN**

RESPONDENT(S):

- 1. KOTTAMKARA GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
KOTTAMKARA GRAMA PANCHAYATHM TKMC P.O., KOLLAM-5.**
- 2. THE SECERETARY,
SPECIAL GRADE, KOTTAMKARA GRAMA PANCHAYAT, TKMC P.O.
KOLLAM-5.**
- 3. THE ENVIORNMENT ENGINEER
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, KOLLAM-691 001.**
- * ADDL.R4 TO R7 IMPLEADED**
- 4. REMYA.I.,
SINDHU BHAVANAM, ALUMMOODU.P.O.,
MANDALAM JUNCTION, KOLLAM.**
- 5. CHANDRAN PILLAI,
ALAVILA HOUSE, ALUMMOODU.P.O.,
MANDALAM JUNCTION, KOLLAM.**
- 6. PRADEEP.C.,
S/O.CHANDRAN PILLAI, KARTHIKA, ALUMMOODU.P.O.
MANDALAM JUNCTION, KOLLAM.**

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7. SHAMEER,
CHARUVILA HOUSE, ALUMMOODU.P.O.,
MANDALAM JUNCTION, KOLLAM.

ADDL. R4 TO R7 ARE IMPEADED AS PER ORDER DATED 18/12/2013 IN IA
16819/2013.

R1 & 2 BY ADVS. SRI.PRATHEESH.P

SMT.CHITHRA.S.BABU

R3 BY ADV. SRI.M.R.ARUNKUMAR, SC, POLLUTION CONTROL BOARD

R4-7 BY ADV. SRI.K.A.SALIL NARAYANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-05-2015,
ALONG WITH WPC.NO.4178/2014, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE CERTIFICATE ISSUED BY THE KERALA KHADI AND VILLAGE INDUSTRIES BOARD DATED 3/9/2004.
- EXHIBIT P2. TRUE COPY OF THE CERTIFICATE OF REGISTRATION AS A SMALL SCALE INDUSTRIAL UNIT DATED 31/3/1995.
- EXHIBIT P3. TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT PANCHAYATH IN THE YEAR 1994.
- EXHIBIT P4. TRUE COPY OF THE LICENCE VALID TILL 31/3/2011 WAS ISSUED ON 2/12/2010.
- EXHIBIT P5. TRUE COPY OF THE RECEIPT EVIDENCING RECEIPT OF FEE FOR RENEWAL OF LICENCE FOR THE YEAR 2012-13.
- EXHIBIT P6. TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT DATED 19/10/2013.
- EXHIBIT P7. TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT DATED 6/11/2013.
- EXHIBIT P8. TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT DATED 15/11/2013.
- EXHIBIT P9. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 19/11/2013.
- EXHIBIT P10. TRUE COPY OF THE CONSENT LETTER DATED 11/3/94
- EXHIBIT P11: TRUE COPY OF THE DOCTORS REPORT
- EXHIBIT P12: TRUE COPY OF THE ORDER DATED 9/1/14
- EXHIBIT P13: TRUE COPY OF THE REQUEST DATED 24/1/14

RESPONDENT(S)' EXHIBITS

- EXHIBIT R2(A): THE COPY FOR THE COMPLAINT FILED BY ONE OF THE RESIDENT AGAINST THE FIRM BEFORE THE R2
- EXHIBIT R3(1): COPY OF THE COMPLAINT ALONG WITH THE MEDICAL CERTIFICATE FILED BY THE RESIDENTS NEAR TO N.N.SPLINTS AT PUNUKKANNOOR, KOLLAM BEFORE R3 DATED 26/9/13
- EXHIBIT R3(2): COPY OF THE LETTER ISSUED TO THE R3 TO THE PETITIONER DATED 5/10/13

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**EXHIBIT R3(3): COPY OF THE NOTICE OF INTENTION OF REFUSAL OF CONSENT
ISSUED BY THE R3 TO THE PETITIONER DATED 9/1/14**

/ TRUE COPY /

P.S. TO JUDGE

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K. VINOD CHANDRAN, J

W.P(C) Nos. 28973 of 2013 and 4178 of 2014

Dated this the 25th day of May, 2015

J U D G M E N T

The above writ petitions are filed by the very same petitioner seeking to carry on operations of an SSI Unit engaged in match splint manufacturing. W.P(C) No.28973/2013 was filed by the petitioner when the Secretary of the 1st respondent Panchayat demanded “No objection Certificate” from the Pollution Control Board. There was also a direction to close down the operations, pending issuance of such No Objection Certificate.

2. The petitioner approached this Court and obtained a stay initially which was later modified on the additional respondents 4 to 7 taking up a contention before this Court that the petitioner is burning sulphur in the unit, which is prohibited for reason of environmental pollution. The interim order earlier

granted was modified directing the petitioner not to burn sulphur. The No objection Certificate applied for from the Kerala State Pollution Control Board, was rejected; when the petitioner approached this Court with W.P(C) No.4178/2014.

3. Both the writ petitions were taken up for hearing.

The learned counsel for the petitioner submits that now there has been measures brought in, in the SSI unit, to facilitate even burning of sulphur which measures would contain the environmental pollution as apprehended by the respondents 4 to 7. The petitioner is also said to have filed an application requesting the Pollution Control Board to conduct an inspection, produced as Ext.P12 in W.P(C) No.4178/14.

4. In the changed circumstances and also the petitioners contention that the pollution if at all would be contained the writ petitions can be disposed of with a direction to the Pollution Control Board to carry out inspection and

consider the application at Ext.P12, in accordance with law. Necessarily the petitioner would not burn sulphur unless the No Objection Certificate is received from the Pollution Control Board. However, with respect to the inspection to be conducted, the petitioner shall be permitted to carry on the intended operation only on such inspection, under the supervision of the officers of the Pollution Control Board to ensure that the pollution if any stands contained. The Pollution Control Board shall decide on a date of inspection and notice shall be issued to the petitioner as also respondents 4 to 7. The inspection shall be posted to a date within one month from the date of receipt of a copy of this judgment.

5. It is made clear that the additional respondents 4 to 7 shall also be participated, when inspection is carried on by the Pollution Control Board. The order granting or refusing consent shall be passed within two months from the date of

such inspection. In the meanwhile the petitioner shall carry on the operations, without burning sulphur, as has been directed in the interim order, subject to full operation on inspection.

Writ petitions are disposed of leaving open all contentions of either parties

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

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P.A to Judge