

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 26865 of 2015 (G)

PETITIONER:

**BINUKUMAR.P
AGED 43 YEARS
S/O. PARAMESWARAN NADAR,
B.S. PALACE, MULLUVILA THEKKETHIL
VENGANOOR P.O., THIRUVANANTHAPURAM**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.MEGHA K.XAVIER**

RESPONDENTS:

- 1. VENGANOOR GRAMA PANCHAYAT
REPRESENTED BY SECRETARY, VENGANOOR
THIRUVANANTHAPURAM - 695 523**
- 2. THE SECRETARY, VENGANOOR GRAMA PANCHAYAT,
VENGANOOR, THIRUVANANTHAPURAM - 695 523**
- 3. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ENVIRONMENTAL ENGINEER,
DISTRICT OFFICE, PLAMOODU JUNCTION
PATTOMP.O., THIRUVANANTHAPURAM - 695 004**
- 4. ANILKUMAR, S/O. SASIDHARAN, MEMBER OF WARD NO. 14
VENGANOOR GRAMA PANCHAYAT, RESIDING AT
THEKKEVILAKATH MELE VEEDU
VENGANOOR P.O., THIRUVANANTHAPURAM - 695 523**
- 5. SHEELA, AMARIVILAVEEDU, UCHAKKADA,
VENGANOOR P.O., THIRUVANANTHAPURAM - 695 523**
- 6. SUNDARESAN, AMARIVILA, UCHAKKADA,
VENGANOOR P.O., THIRUVANANTHAPURAM - 695 523**

R3 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

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- P1- TRUE COPY OF DECISION DATED 4.5.2013 OF PANCHAYAT COMMITTEE
- P2- TRUE COPY OF INTEGRATED LICENSE DATED 23.08.2013 ISSUED BY POLLUTION CONTROL BOARD
- P3- TRUE COPY OF DECISION TAKEN BY THE PANCHAYAT COMMITTEE ON 27.08.2013
- P4- TRUE COPY OF ORDER IN I.A. 36/2014 DATED 22.4.2014 AND 22.5.2014 OF AIR (PREVENTION AND CONTROL OF POLLUTION) APPELLATE AUTHORITY
- P5- TRUE COPY OF ORDER OF TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS DATED 8.12.2014
- P6- TRUE COPY OF JUDGMENT DATED 4.3.2015 IN W.P.(C). NO. 35098/2014
- P7- TRUE COPY OF PROCEEDINGS DATED 5.5.2015 OF THIRD RESPONDENT
- P8- TRUE COPY OF DECISION TAKEN BY COMMITTEE OF 1ST RESPONDENT ON 23.05.2015
- P9- TRUE COPY OF JUDGMENT DATED 28.05.2015 IN W.A. NO. 829/2015
- P10- TRUE COPY OF APPEAL NO. 561/2015 FILED BEFORE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS (THOUGH IT WAS FILED AS REVISION PETITION, IT IS NUMBERED AS APPEAL)
- P11- TRUE COPY OF ORDER DATED 15.06.2015 IN APPEAL NO. 561/2015
- P12- TRUE COPY OF NOTICE DATED 22.08.2015 ISSUED BY THE 2ND RESPONDENT
- P13- TRUE COPY OF JUDGMENT DATED 27.7.2015 IN CON. CASE (C) NO. 984/2015
- P14- TRUE COPY OF COMMUNICATION DATED 28.07.2015 OF THIRD RESPONDENT
- P15- TRUE COPY OF SHOW CAUSE NOTICE DATED 22.08.2015 ISSUED BY THE THIRD RESPONDENT

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 26865 OF 2015

Dated this the 7th day of September, 2015

JUDGMENT

The petitioner is aggrieved by Ext. P12 notice issued by the second respondent and Ext. P15 notice issued by the third respondent even while Ext. P10 appeal filed against Ext. P8 is pending consideration. Ext. P10 appeal has been filed before the Tribunal against Ext. P8 decision refusing to issue licence to conduct a pig farm.

2. It is open to the petitioner to apply for appropriate interim reliefs in Ext. P10 appeal even against Exts. P12 and P15 notices. Any motion made in that regard within two weeks from today shall be dealt with by the Tribunal by four weeks therefrom.

3. The petitioner is also permitted to independently challenge Ext. P15 notice before the appellate authority. An appeal lies under the Air (Prevention and Control of Pollution) Act, 1981.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**