

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C).No. 29921 of 2013 (M)

PETITIONER(S):

A.A. SAKKEER, AGED 44 YEARS,
S/O.A.K.ALIYART, AMBADAN HOUSE, CHELAMATTOM VILLAGE,
KUNNATHUNADU TALUK, PERUMBAVOOR, PROPRIETOR,
M/S.A.P.POLYMERS, RAYONPURAM P.O.,
ERNAKULAM DISTRICT - 683 543.

BY ADV. SRI.P.P.THAJUDEEN

RESPONDENT(S):

1. K.M.MOIDEEN,
S/O.MUSTHAFA, KUPIYAM HOUSE, PRESIDENT,
VALLOM-CHOONDY POURA SAMITHI, OKKAL P.O.,
ERNAKULAM - 683 550.
2. C.K.SUDHEER,
S/O.KUNHEENKUTTY, CHENTHARA HOUSE, SECRETARY,
VALLOM-CHO - 683 550.
3. ALIKUTTY,
S/O.BEERAN, KUPIYAM HOUSE, OKKAL P.O.,
ERNAKULAM - 683 550.
4. HAMZA,
CHENTHARA HOUSE, OKKAL P.O., ERNAKULAM - 683 550.
5. ISAHAC,
S/O.ALIKUNJU, THOTTATHIKULAM VEETIL, CHOONDI BHAGOM,
CHELAMATTOM VILLAGE, OKKAL P.O., ERNAKULAM - 683 550.
6. SALIM,
S/O.KUNJUMHAMMED, PALLATHUKUDI, CHELAMATTOM VILLAGE,
OKKAL P.O., ERNAKULAM - 683 550.

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7. ASSI,
NJATTUVELAYIL VEETIL, CHOONDI BHAGOM,
CHELAMATTOM VILLAGE, OKKAL P.O., ERNAKULAM - 683 550.
8. SHINU,
S/O.ALIYAR, VADAKKANVEETIL, CHOONDI BHAGOM
OKKAL PO, ERNAKULAM - 683 550.
9. OKKAL GRAMA PAANCHAYATH,
OKKAL P.O., PERUMBAVOOR, ERNAKULAM DISTRICT - 683 550,
REPRESENTED BY ITS SECRETARY.
10. THE SUB INSPECTOR OF POLICE,
PERUMBAVOOR , ERNAKULAM DISTRICT - 683 542.
11. THE CIRCLE INSPECTOR POLICE,
PERUMBAVOOR , ERNAKULAM DISTRICT - 683 542.
12. THE SUPERINTENDENT OF POLICE,
(RURAL), ALUVA - 683 101.
13. THE KERALA STATE POLLUTION CONTROL BOARD,
REGIONAL OFFICE, ERNAKULAM - 682 026,
REPRESENTED BY THE CHIEF ENVIRONMENTAL ENGINEER.

R1-R8 BY ADVS. SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY
R10-R12 BY GOVERNMENT PLEADER SRI.JOE KALLIATH
R13 BY ADV. SRI. M.AJAY, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
01-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 COPY OF THE NO OBJECTION CERTIFICATE DATED 28/7/2012 ISSUED FROM THE OFFICE OF THE ASSISTANT DIVISIONAL OFFICER, FIRE AND RESCUE SERVICES, ERNAKULAM.

EXHIBIT P2 COPY OF THE OBJECTION CERTIFICATE DATED 28/7/2012 ISSUED BY THE DISTRICT MEDICAL OFFICER TO THE EFFECT THAT THERE IS NO POSSIBILITY FOR HEALTH HAZARDS DUE TO THE INSTALLATION OF 40 HP ELECTRIC MOTOR FOR RUNNING RESIN UNIT OF THE PETITIONER

EXHIBIT P3 COPY OF THE ORDER NO.A2-07/2012/2013 DATED 2/7/2012 ISSUED BY THE 9TH RESPONDENT GRAMA PANCHAYATH TO THE PETITIONER

EXHIBIT P4 COPY OF THE CONSENT NO.PCB/EKM/DO2/ICE-63/2012 DATED 30/6/2012 ISSUED TO THE PETITIONER IN RESPECT OF A.P.K.POLYMERS BY THE KERALA STATE POLLUTION CONTROL BOARD

EXHIBIT P5 COPY OF THE LICENSE DATED 6/7/2012 ISSUED BY THE 9TH RESPONDENT OKKAL GRAMA PANCHAYATH TO THE INDUSTRIAL UNIT OF THE PETITIONER

EXHIBIT P6 COPY OF THE NOTICE DATED 8/10/2012 ISSUED BY THE 9TH RESPONDENT OKKAL GRAMA PANCHAYATH TO THE PETITIONER

EXHIBIT P7 COPY OF THE ORDER DATED F 22/10/2012 ISSUED BY THE 9TH RESPONDENT OKKAL GRAMA PANCHAYATH TO THE PETITIONER

EXHIBIT P8 COPY OF THE JUDGMENT DATED 31/10/2012 IN WPC NO.25563/2012 OF THE HON'BLE HIGH COURT OF KERALA

EXHIBIT P9 COPY OF THE FIR IN CRIME NO.2438/2012 DATED 27/10/2012 OF PERUMBAVOOR POLICE STATION

EXHIBIT P10 COPY OF THE PETITION DATED 13/11/2012 SUBMITTED BY THE PETITIONER BEFORE THE DY. SUPERINTENDENT OF POLICE, PERUMBAVOOR

EXHIBIT P11 COPY OF THE JUDGMENT DATED 1/12/2013 IN WPC NO.27703/2012 OF THE HON'BLE HIGH COURT OF KERALA

EXHIBIT P12 COPY OF THE LICENSE NO.187/13-14 DATED 3/10/2013 ISSUED TO THE PETITIONER BY THE 9TH RESPONDENT OKKAL GRAMA PANCHAYATH

EXHIBIT P13 COPY OF THE CONSENT NO.PCB/EKM/DO2/IC-54/2013 DATED 1/3/2013 ISSUED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, PERUMBAVOOR

EXHIBIT P14 COPY OF THE FIR IN CRIME NO. 3310/2013 DATED 19/11/2013 OF PERUMBAVOOR POLICE STATION REGISTERED AGAINST 1 ACCUSED PERSONS INCLUDING RESPONDENTS 1 TO 7 HEREIN

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EXHIBIT P15 COPY OF THE COMPLAINT DATED 30/11/2013 FILEDC BY THE PETITIONER BEFORE THE SUB INSPECTOR OF POLICE, PERUMBAVOOR WITH COPY TO THE SUPERINTENDENT OF POLICE (RURAL) ALUVA.

EXHIBIT P16 TRUE COPY OF THE LICENCE NO.187/13-14 DATED 3.10.2013 ISSUED BY THE GRAMA PANCHAYATH TO THE INDUSTRIAL UNIT OF THE PETITIONER.

EXHIBIT P17 TRUE COPY OF THE ORDER DTD.4.11.2013 IN APPEAL NO.014/2013 ON THE FILE OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.

EXHIBIT P18 TRUE COPY OF THE PROCEEDINGS NO.A2-3492/12 DTD.3.10.2013, OF THE SECRETARY OF THE OKKAL GRAMA PANCHAYATH.

EXHIBIT P19 TRUE COPY OF THE LETTER ISSUED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD DTD.4.11.2013.

EXHIBIT P20 TRUE COPY OF THE COVERING LETTER NO.PCB/EKM/DO2/RTI/GEN-09/2011 DTD.1.1.2014 ISSUED BY THE PUBLIC INFORMATION OFFICER, KERALA SATE POLLUTION CONTROL BOARD.

RESPONDENT(S)' EXHIBITS:

EXT. R1(a): A TRUE COPY OF THE COMPLAINT DTD.11.10.2012 SUBMITTED BY THE VALLAM-CHOONDY POURA SAMITHY BEFORE THE CHIEF ENVIRONMENT ENGINEER, REGIONAL OFFICE, KERALA STATE POLLUTION CONTROL BOARD, ERNAKULAM.

EXT.R1(b): A TRUE COPY OF THE LOCATION SKETCH SUBMITTED BY THE PETITIONER BEFORE THE VARIOUS AUTHORITIES.

EXT.R1(c): A TRUE COPY OF THE ACTUAL LOCATION SKETCH OF THE PETITIONER COMPANY IS PRODUCED HEREWITH AND MARKED AS EXT.R1(c).

EXT.R1(d): A TRUE COPY OF THE REPORT DTD.18.11.2013 SUBMITTED BY THE TAHSILDAR, KUNNATHUNADU TALUK BEFORE THE DISTRICT COLLECTOR.

EXT.R1(e): A TRUE COPY OF THE MINUTES OF THE COMMITTEE MEETING DTD.10.10.2013 OF THE 9TH RESPONDENT GRAMA PANCHAYATH.

EXT.R1(f): A TRUE COPY OF SPECIAL CIRCULAR DTD.NIL ISSUED BY THE ENVIRONMENTAL ENGINEER OF THE POLLUTION CONTROL BOARD IN RESPECT OF THE SETBACK DISTANCE.

//TRUE COPY//

P.S.TO JUDGE

Msv/

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

W.P(C). No. 29921 of 2013

Dated this the 1st day of December, 2015

JUDGMENT

Shaffique, J

This writ petition has been filed seeking police protection in the matter relating to functioning of a Unit.

2. Learned counsel appearing for the Pollution Control Board submits that the unit had already been dismantled and machineries had already been taken away.

We do not think that any direction as sought for is required to be passed. Hence we dismiss this writ petition.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE

sou.2/12/15

// True Copy //