

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C).No. 29893 of 2015 (J)

PETITIONER:

**KABIR P.S.
S/O. SYED MOHAMMED,
PULIKKOTIL HOUSE,
UMMANEZHI
PULAPATTA,
PALAKKAD-678 632.**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

- 1. THE KADAMPAZHIPURAM GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, KADAMPAZHIPURAM
PALAKKAD-678 633.**
- 2. THE SECRETARY
KADAMPAZHIPURAM GRAMA PANCHAYATH, KADAMPAZHIPURAM
PALAKKAD-678 633.**
- 3. THE KERALA STATE POLLUTION CONTROL BOARD
REPRESENTED BY ITS SENIOR ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
PALAKKAD-678 001.**
- 4. THE HEALTH INSPECTOR
PRIMARY HEALTH CENTRE, KADAMPAZHIPURAM
PALAKKAD-678 633.**

**R1 & R2 BY ADV. SRI.K.RAVI (PARIYARATH), SC
R3 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD
R4 BY SR. GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 29893 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : A COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
DTD.12.6.2015.**
- P2 : A COPY OF THE LETTER OF CONSENT PRODUCED BEFORE THE 2ND
RESPONDENT.**
- P3 : A COPY OF THE SANITARY CERTIFICATE DTD.27.5.2015 ISSUED BY THE 4TH
RESPONDENT.**
- P4 : A COPY OF THE CONSENT DTD.24.4.2015 ISSUED BY THE 3RD RESPONDENT.**
- P5 : A COPY OF THE APPLICATION DTD.30.7.2015, SUBMITTED BY THE
PETITIONER.**
- P6 : A COPY OF THE DECISION DTD.14.7.2015 OF THE 1ST RESPONDENT.**
- P7 : A COPY OF THE ORDER 17.8.2015 OF THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 29893 OF 2015

Dated this the 20th day of November, 2015

JUDGMENT

It is only the Secretary who can pass orders on the application for license under Section 232 of the Kerala Panchayat Raj Act, 1994. Rule 6(4) of the Kerala Panchayat Raj (Livestock Farm License) Rules does not detract from this provision. The Panchayath Committee has no role as held in **Kadaplamattom Grama Panchayat, Kottayam and Another v. Johny Roy [2013 (3) KLT 1053]**.

2. I quash Ext. P6 decision of the Panchayath Committee as well as Ext.P7 consequential order passed by the Secretary. The second respondent Secretary shall pass orders anew after hearing the petitioner as well as third and fourth respondents. The needful shall be done within a period of one month from the the date of receipt of a copy of this judgment.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS