

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 31426 of 2014 (C)

PETITIONER(S):

**M/S.CENTURY VENEERS,
VILANGU P.O., THRIKALATHOOR P.O.,
MOOVATTUPUZHA - 683 557,
REPRESENTED BY ITS MANAGING PARTNER,
SRI.P.A. PAREED, PAREKUNNATH HOUSE.**

**BY ADVS.SRI.DEVAN RAMACHANDRAN,
SRI.K.M.ANEESH.**

RESPONDENT(S):

- 1. PAYIPRA GRAMA PANCHAYATH,
PEZHAKKAPPILLY P.O., MOOVATTUPUZHA VIA.,
ERNAKULAM DISTRICT - 686 673,
REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY,
PAYIPRA GRAMA PANCHAYAT, PEZHAKKAPPILLY P.O.,
MOOVATTUPUZHA VIA., ERNAKULAM DISTRICT - 686 673.**
- 3. KERALA STATE POLLUTION CONTROL BOARD,
THIRUVANANTHAPURAM - 695 004.**

**R1 & R2 BY ADV. SRI.S.SHANAVAS KHAN.
R3 BY ADV. SRI. M.AJAY, SC.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 - TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE ASSISTANT DIVISIONAL OFFICER DATED 23.10.2014.
- P2 - THE TRUE COPY OF THE ACKNOWLEDGMENT ISSUED BY THE DEPARTMENT OF INDUSTRIES DATED 13.12.2013.
- P3 - THE TRUE COPY OF THE CERTIFICATE ISSUED BY THE DISTRICT MEDICAL OFFICER, ERNAKULAM DATED 25.10.2014.
- P4 - THE TRUE COPY OF THE LICENSE ISSUED BY THE DIVISIONAL FOREST OFFICER, KOTHAMANGALAM DATED 02.01.2014.
- P4(A) - TRUE COPY OF THE LICENCE ISSUED BY THE DIVISIONAL FOREST OFFICER, KOTHAMANGALAM DATED 09.05.2014.
- P5 - THE TRUE COPY OF THE CONSENT ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD DATED 29.10.2013.
- P6 - TRUE COPY OF THE LICENCE ISSUED BY THE PAIPRA GRAMA PANCHAYATH.
- P7 - TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DATED 19.11.2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

=====

W.P(C) No.31426 of 2014

=====

Dated this the 4th day of June, 2015

JUDGMENT

Alleging that the second respondent is intending to revoke the petitioner's licence without following the procedure established by law, the petitioner has come up before this Court.

2. The petitioner is the managing partner of a registered partnership firm in the name and style “M/s. Century Veeners” engaged in the manufacturing of plywood. The petitioner alleges that they are conducting the factory with the statutory requirements and as per the strict supervision of the statutory authorities. According to them, the unit is not causing any pollution and the measures as directed by the Pollution Control Board has been taken.

3. On 19.11.2014, the petitioner received a notice issued by the second respondent calling Ext.P6 licence issued under Section 233 of the Kerala Panchayat Raj Act. It is stated that the panchayat

committee in its meeting held on 18.11.2014 decided to conduct a hearing of all the residents of the locality of the petitioner's unit who have already made complaints regarding the conduct of the unit and that they have unilaterally objected the functioning of the petitioner's unit. It is further stated that in Ext.P7 the said committee has decided to direct the petitioner to stop functioning of the factory for the time being. However, without giving any notice to the petitioner or without giving any opportunity to explain the facts, the 2nd respondent has revoked the licence granted to the petitioner.

4. Heard the learned counsel for the petitioner, the learned standing counsel for the Pollution control Board and the learned standing counsel for the respondent panchayat.

5. The learned standing counsel for the respondent panchayat on instructions submitted that the panchayat is ready to convene a meeting and if the petitioner satisfies the respondent panchayat that there is no nuisance as alleged in the complaint, they are ready to

withdraw the same.

Recording the said submission, the writ petition is disposed of directing the second respondent to convene a meeting within one month from the date of receipt of a copy of this judgment under due intimation to the petitioner as well as the complainants. The petitioner shall be afforded an opportunity to adduce evidence in support of his claim before the second respondent.

If ultimately it is found that the complaint is baseless, the respondent panchayat shall cancel the notice issued to the petitioner and thereafter shall consider the application for renewal of licence. Till that exercise is completed, the petitioner shall be allowed to operate his unit.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj