

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 31879 of 2015 (H)

PETITIONER(S):

1. MOHAMMED ASLAM AGED 27 YEARS
S/O.ABDUL VAHAB, MANAGING PARTNER, M/S. GRAND POLYMERS
RESIDING AT KOLACHALIL HOUSE, PERINTHALMANNA P.O
MALAPPURAM DISTRICT.
2. P.K.SHERIFA
W/O.ABDUL VAHAB, PARTNER, M/S. GRAND POLYMERS
RESIDING AT KOLACHALIL HOUSE, PERINTHALMANNA P.O
MALAPPURAM DISTRICT.

BY ADV. SRI.S.NIDHEESH

RESPONDENT(S):

1. THE DISTRICT POLICE CHIEF
MALAPPURAM 676 505.
2. CIRCLE INSPECTOR OF POLICE
PERINTHALMANNA, MALAPPURAM- 679 332.
3. SUB INSPECTOR OF POLICE
KOLATHOOR POLICE STATION
MALAPPURAM DISTRICT. 679 338.
4. IBRAHIM
POOPATTAHOUSE, CONVENOR, ANTIPOLLUTION ACTION COUNCIL
PULVETTY, PANG P.O, MALAPPURAM 679 338.
5. SHIHAB PULLIYIL
CHAIRMAN, ANTIPOLLUTION ACTION COUNCIL, PULVETTY
PANG P.O, MALAPPURAM 679 338.
6. ABDUL SALAM NADUTHODI,
TREASURER, ANTIPOLLUTION ACTION COUNCIL, PULVETTY
PANG P.O, MALAPPURAM 679 338.
7. THE ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, MALAPPURAM 676 505.

R1-R3 BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN

R4-R6 BY ADV. SRI.C.M.KAMMAPPU

R7 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 31879 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE UPTO DATE ONLINE INDUSTRY REGISTRATION RECEIPT
DATED 21.7.15.

EXHIBIT P2. COPY OF THE CONSENT TO OPERATE THE UNIT ISSUED BY THE 7TH
RESPONDENT.

EXHIBIT P3. COPY OF THE LICENSE FROM THE KARUVA GRAMA PANCHAYAT.

EXHIBIT P3(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P3 LICENSE.

EXHIBIT P4. COPY OF THE BROCHURE OF PETITIONERS UNIT GRAND POLYMERS.

EXHIBIT P5. COPY OF THE LETTER DATED 1.10.15 ISSUED BY POLLUTION CONTROL
BOARD.

EXHIBIT P5(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P5 LETTER.

EXHIBIT P6. COPY OF THE LETTER OF COMPLIANCE DATED 5.10.15 TO THE
ENVIRONMENTAL ENGINEER, MALAPPURAM.

EXHIBIT P6(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P6 LETTER OF
COMPLIANCE.

EXHIBIT P6(B). COPY OF THE REVISED PLAN.

EXHIBIT P7. COPY OF THE MATERIAL SAFETY DATA SHEET POLYPROPYLENE (PP)
ISSUED BY INDIAN OIL CORPORATION.

EXHIBIT P8. COPY OF THE COMPLAINT DATED 12.9.15 SUBMITTED BEFORE 3RD
RESPONDENT.

EXHIBIT P8(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P8 COMPLAINT.

EXHIBIT P9. COPY OF THE COMPLAINT DATED 16.10.15 SUBMITTED BEFORE THE 2ND
RESPONDENT.

EXHIBIT P9(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P9 COMPLAINT.

RESPONDENT(S)' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SOU.

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

W.P(C). No. 31879 of 2015

Dated this the 29th day of October, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the petitioner, learned Government Pleader as well as counsel appearing for respondents 4 to 6 and Standing Counsel appearing for the seventh respondent.

2. By this writ petition, the petitioner has prayed for a direction to respondents 1 to 3 to grant adequate police protection to the petitioners, their unit and the workers from the hindrances of respondents 4 to 6. The petitioners case is that the petitioner has started a plastic packing cover manufacturing unit with valid consent up to 19.3.2018 and unnecessary obstructions are created by respondents 4 to 6.

3. Learned counsel appearing for respondents 4 to 6 would submit that no physical obstructions are being created by respondents 4 to 6 and they have only given a mass petition to the competent authority against the functioning of the unit.

4. Learned counsel appearing for the Pollution Control Board submits that due consent has already been granted and the industry is a Green industry and similar other institutions are functioning in the nearby area. Hence we dispose of the writ petition directing the third respondent to take appropriate steps to ensure that there is no undue hindrance for the petitioner to run the unit.

The writ petition is disposed of as above.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE

sou.29/10/15

// TRUE COPY //

P.A. TO JUDGE