

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR. ASHOK BHUSHAN
&
THE HONOURABLE MR. JUSTICE K. RAMAKRISHNAN

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 34627 of 2015 (C)

PETITIONER(S):

RENNY K. JOHN
PROPRIETOR
M/S. DAYASAGAR HOLLOW BRICKS AND M-SAND UNIT
VANNAPPURAM POST, THODUPUZHA 685607, IDUKKI DISTRICT.

BY ADVS. SRI. MATHEW JOHN (K)
SRI. DOMSON J. VATTAKUZHAY

RESPONDENT(S):

1. THE CIRCLE INSPECTOR OF POLICE
KALIYAR POLICE STATION, IDUKKI DISTRICT, 685501.
2. SUB INSPECTOR OF POLICE
KALIYAR POLICE STATION, IDUKKI DISTRICT 685501.
3. M.G. PRINCE
MUNDYAPARAMBIL, VANNAPPURAM P.O.,
IDUKKI DISTRICT-685607.
4. GEORGE SEBASTIAN
EDASSERIL HOUSE, VANNAPPURAM P.O.,
IDUKKI DISTRICT-685607.
5. JOMON
S/O. THOMAS, KATTAMKOTTIL, VANNAPPURAM P.O.
IDUKKI DISTRICT, 685607.
6. BINU
S/O. SREENIVASAN, MAPPILASSERIL HOUSE
THANKACHAN PAULOSE, VELLACHALIL HOUSE
VANNAPPURAM P.O., IDUKKI DISTRICT, 685607.
7. SOORAJ
S/O. KRISHNAN, PUTHANMADATHIL HOUSE, VANNAPPURAM P.O.
IDUKKI DISTRICT 685607.

8. BIJU P.R.
PARAYALICKACHALIL HOUSE, VANNAPPURAM P.O.
IDUKKI DISTRICT 685607.
9. SCARIA
S/O.KURIAKOSE, KANNATTU HOUSE, VANNAPPURAM P.O.
IDUKKI DISTRICT, 685607.
10. BIJU CHETTAYIL
CHETTAYIL HOUSE, VANNAPPURAM P.O., IDUKKI DISTRICT
685607.

R1, R2 BY SR. GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR
R3-R5 BY ADV. SMT.DAISY A.PHILIPOSE
R6-R10 BY ADV. SRI.GEORGEKUTTY MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 34627 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE CONSENT NO.PCB/IDK/ICE/25/2012 DATED 9/5/2012.

EXHIBIT-P1(A): TRUE COPY OF THE CONSENT NO.PCB/IDK/ICE/245/2012 DATED 9/5/2012.

EXHIBIT-P2: TRUE COPY OF THE ORDER DATED 27/5/2015 PASSED BY THIS HON'BLE COURT IN WP(C) NO.15708/2015.

EXHIBIT-P3: TRUE COPY OF THE PETITION DATED 30/11/2014 SUBMITTED BEFORE THE 2ND RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT-P4: TRUE COPY OF THE FIR IN CRIME NO.0255 OF KALIYAR POLICE STATION ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT-P5: TRUE COPY OF THE PETITION DATED 5/6/2015 BEFORE THE 2ND RESPONDENT

EXHIBIT-P6: TRUE COPY OF THE PETITION SUBMITTED BEFORE THE 2ND RESPONDENT ON 8/11/2015.

RESPONDENT(S)' EXHIBITS

EXHIBIT R4[a] : A TRUE COPY OF THE JUDGMENT IN WPC.NO.7661/2013 DTD.24.7.2013

EXHIBIT R4[b] : A TRUE COPY OF THE JUDGMENT IN APPEAL No.128 OF 2014 BEFORE THE HONOURABLE TRIBUNAL LOCAL SELF GOVERNMENT INSTITUTION, THIRUVANANTHAPURAM DATED 3.6.2014

EXHIBIT R4[C] : A TRUE COPY OF THE JUDGMENT IN WPC.1585/2014 DTD.12.3.2015.

EXHIBIT R4[D] : A TRUE COPY OF THE ORDER NO.PCB/HO/IDK/GEN/3/2014 DTD 19.11.2015

EXHIBIT R6[a] : A TRUE COPY OF THE ORDER DATED 19.11.2015 ISSUED BY ITS CHAIRMAN

// TRUE COPY //

P.A. TO JUDGE

sou.

ASHOK BHUSHAN, CJ & K. RAMAKRISHNAN., J

W.P(C). No. 34627 of 2015

Dated this the 16th day of December, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the petitioner, learned Government Pleader as well as the learned counsel appearing for private respondents.

2. Petitioner has come up in the writ petition seeking a direction for providing protection to the person and property of the petitioner from the threat of respondents 3 to 10. It is stated that petitioner has been granted an interim order to carry on with the construction of the unit in his property. Exhibit P1 consent from Pollution Control Board for establishing the unit has already been obtained.

3. Learned counsel for the respondent submits that the period of Exhibit P1 consent was valid only upto 8.5.2015 and further Exhibit P2 interim order, which the petitioner has placed reliance was passed on consent which cannot entitle the petitioner to carry on the construction work as the period of

consent has already been run out.

4. Learned counsel for the petitioner submits that this Court has passed an interim order only with regard to a direction to keep a vigil on the activities of respondents and maintain law and order. Learned counsel for the petitioner further submits that the petitioner has not proceeded with any construction on the basis of the orders annexed along with the writ petition.

5. Though no direction is required to be passed in that context, we only observe that in any event any offence is committed or attempt to offence is committed, it shall be open for the petitioner to file complaint before the police authority, who will look into the matter.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE

Sd/-
K. RAMAKRISHNAN
JUDGE