

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 35400 of 2014 (Y)

PETITIONER(S):

1. M/S.SAHYADRI FERRO STEELS INDIA PVT LIMITED
INDUSTRIAL DEVELOPMENT AREA, EDATHALA.P.O., ALUVA
ERNAKULAM.
2. MR. SHARAFUDHEEN,
MANAGING PARTNER
M/S. SAHYADRI FERRO STEELS INDIA PVT. LTD.
INDUSTRIAL DEVELOPMENT AREA, EDATHALA.P.O., ALUVA
ERNAKULAM.

BY ADVS.SRI.DEVAN RAMACHANDRAN
SRI.ADARSH KUMAR
SRI.K.M.ANEESH

RESPONDENT(S):

1. KERALA STATE ELECTRICITY BOARD
VYDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM-695004
REPRESENTED BY ITS SECRETARY.
2. PARISTHITHI SAMRAKSHANA SAMITHI
(REG.NO.EKM/TC/901/2014),
ERUMATHALA, NALEMMILE
ERUMATHALA PO., ALUVA, PIN - 683 112
REPRESENTED BY ITS PRESIDENT P.MOHANAN.
3. PRINCIPAL SECRETARY TO GOVERNMENT,
INDUSTRIES (G) DEPARTMENT,
THIRUVANANTHAPURAM - 695 001.
4. DISTRICT COLLECTOR, ERNAKULAM - 682 030.
5. PWD ROADS & BRIDGES DIVISION, ERNAKULAM
THRIKKAKARA P.O., PIN - 682 021, REPRESENTED BY
ITS EXECUTIVE ENGINEER.
6. GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE,
ERNAKULAM.

R1 BY ADV. SRI.S.SHARAN,SC,K.S.E.BOARD

R2 BY ADV. SMT.DAISY A.PHILIPOSE

RADDL3 BY ADV. SRI.JAI GEORGE

R3-R6 BY SR. ADV. GOVERNMENT PLEADER SRI.THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- P1. TRUE COPY OF THE JUDGMENT IN WPC 5531/2014 DATED 8-12-14.
- P2. THE TRUE COPY OF THE ORDER PASSED BY THE HON'BLE DISTRICT COLLECTOR GRANTING SANCTION TO THE PETITIONER'S BUSINESS UNIT DATED 29-5-2013.
- P3. THE TRUE COPY OF THE ORDER PASSED BY THE EXECUTIVE ENGINEER, PUBLIC WORKS DEPARTMENT DATED 22-11-14.
- P4. THE TRUE COPY OF THE ORDER DATED 15-11-14 OF THE DISTRICT COLLECTOR ERNAKULAM.
- P5. THE TRUE COPY OF THE IMPUGNED ORDER PASSED BY THE FIRST RESPONDENT
- P6: TRUE COPY OF THE ORDER ISSUED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, DATED 22/12/2014.
- P7 : TRUE COPY OF THE CONSENT TO ESTABLISH ISSUED BY THE POLLUTION CONTROL BOARD, DATED 23.12.2014.
- P8: TRUE COPY OF THE ACKNOWLEDGMENT PERMIT REGARDING THE PETITIONER UNIT ISSUED BY THE DEPARTMENT OF INDUSTRIES, GOVERNMENT OF KERALA, DATED 7.1.2015.
- P9: TRUE COPY OF THE ORDER BY THE SECOND RESPONDENT DATED 12.1.2015

RESPONDENT(S)' EXHIBITS

- EXT.R3(a) A TRUE COPY OF THE NOTIFICATION DATED 30/5/2008 ISSUED BY THE MINISTRY OF ENVIRONMENT AND FORESTS.
- EXT.R3(b) A TRUE COPY OF THE ORDER NO.B2-9416/95 DATED 5/6/2007 ISSUED BY THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTER, ERNAKULAM.
- EXT.R3(c) A TRUE COPY OF THE LETTER NO.A7-5696/11 DATED 17/11/2011 ISSUED BY THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTER, ERNAKULAM.
- EXT.R3(d) A TRUE COPY OF THE LETTER NO.30/D2/12/1D DATED 12/1/2012 ISSUED BY THE SECRETARY TO THE GOVERNMENT TO THE DIRECTOR OF INDUSTRIES AND COMMERCE.
- EXT.R3(e) A TRUE COPY OF THE LETTER NO.A9-6519/12 DATED 31/7/2012 ISSUED BY THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTER, ERNAKULAM TO THE DIRECTOR OF INDUSTRIES AND COMMERCE.
- EXT.R3(f) A TRUE COPY OF THE RESOLUTION DATED 15/11/2011 TAKEN BY THE PANCHAYAT COMMITTEE OF EDATHALA GRAMA PANCHAYAT.

: 2 :

- EXT.R3(g) A TRUE COPY OF THE RESOLUTION DATED 21/5/2014 TAKEN BY THE PANCHAYAT COMMITTEE OF VAZHAKKULAM GRAMA PANCHAYAT.
- EXT.R3(h) A TRUE COPY OF THE RESOLUTION DATED 11/6/2014 TAKEN BY THE PANCHAYAT COMMITTEE OF KEEZHMADU GRAMA PANCHAYAT.
- EXT.R3(i) A TRUE COPY OF THE RESOLUTION DATED 5/7/2014 TAKEN BY THE PANCHAYAT COMMITTEE OF KIZHAKKAMBALAM GRAMA PANCHAYAT.
- EXT.R3(j) A TRUE COPY OF THE LETTER NO.PCB/EKM/DO-1/1-61/14 DATED 12/12/2014
- EXT.R3(k) A TRUE COPY OF THE LETTER NO.19149/G2/2014/ID DATED 22/12/2014

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.35400 of 2014

Dated this the 12th day of August, 2015

J U D G M E N T

The petitioners were initially granted permission to conduct a China Clay Processing Unit. The petitioners maintain that the activity was permitted to be changed to the manufacture of steel later. It is the case of the petitioners that the change of activity permitted has been cancelled without notice. The second respondent on the other hand contends that even the permission to change the activity is illegal.

2. The cancellation of the activity of the petitioners is evidenced by Exts.P5, P6 and P9 orders. The same are evidently passed without notice to the petitioners who are the affected party. There is gross violation of the principles of natural justice in the instant case. Exts.P5, P6 and P9 orders are accordingly quashed.

3. I direct the third respondent to take a decision anew within a period of two months. The petitioners as well as the representative of the second

respondent shall be heard. The status quo shall continue till such time.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.