

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 39567 of 2015 (U)

PETITIONER :

**M.P. ITTOOP, AGED 72 YEARS,
MYKULANGARA HOUSE,
KINGINIMATTOM, KOLENCHERY PIN 682 311**

**BY ADVS.SRI.BECHU KURIAN THOMAS (SR.)
SRI.PAUL JACOB (P)
SRI.ENOCH DAVID SIMON JOEL
SRI.S.SREEDEV
SRI.RONY JOSE**

RESPONDENTS :

- 1. KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, ERNAKULAM II
PERUMBAVOOR PIN 683542 REPRESENTED BY
THE ENVIRONMENTAL ENGINEER**
 - 2. ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, ERNAKULAM-II PERUMBAVOOR PIN 683542**
 - 3. STATE OF KERALA
REPRESENTED BY SECRETARY, DEPARTMENT OF INDUSTRIES
GOVERNMENT SECRETARIAT, TRIVANDRUM 695 001**
- R1 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD
R2 & R3 BY GOVERNMENT PLEADER SMT. C.K. SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE CONSENT ISSUED BY THE 1ST RESPONDENT
NUMBERED AS PCB/DO-EKM/IAO-CONI/R/2010 DATED 25-07-2012.
- EXHIBIT P2: TRUE COPY OF THE RENEWAL OF CONSENT NUMBERED AS
PCB/EKM/BO2/IC-R2/752/2015 DTD. 19-11-2015.
- EXHIBIT P3: TRUE COPY OF THE D & O LICENSE ISSUED BY THE SECRETARY,
AIKKARANAD GRAMA PANCHAYAT, NUMBERED AS A4-7/2015
DATED 20-11-2015
- EXHIBIT P4: TRUE COPY OF THE CIRCULAR NUMBERED AS
PCB/HO/CIRCULAR.2015(4) DATED 01-0-2015 ISSUED BY THE
CHAIRMAN OF THE 1ST RESPONDENT ON BEHALF OF THE 2ND
RESPONDENT.
- EXHIBIT P5: TRUE COPY OF THE SHOW CAUSE NOTICE NUMBERED AS
PCB/EKM/DO2/IC-R1/111/2012 DATED 04-11-2015 ISSUED BY THE 2ND
RESPONDENT.
- EXHIBIT P6: TRUE COPY OF THE REPLY LETTER DATED 06-11-2015 ISSUED BY THE
PETITIONER TO THE 2ND RESPONDENT.
- EXHIBIT P7: TRUE COPY OF THE LETTER NUMBERED AS PCB/EKM/DO2/IC-
R1/111/2012 AND DATED. 16-11-2015 ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER.
- EXHIBIT P8: TRUE COPY OF THE UNDERTAKING DTD. 16-11-2015 GIVEN BY THE
PETITIONER TO THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No.39567 of 2015

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Dated this the 23rd day of December, 2015

J U D G M E N T

The petitioner aggrieved by Ext.P7, issued by the Kerala State Pollution Control Board, Perumbavoor has approached this Court. The petitioner is the holder of consent. By Ext.P7, certain other additional conditions have been imposed on the consent to take control measures. The petitioner points out the practical difficulties in implementing those conditions.

2. The petitioner also undertakes that he will take all precautionary measures to safeguard the nuisance. Therefore this Court is of the view that the petitioner's grievance shall be considered by the Environmental Engineer and shall take appropriate decision after adverting to Ext.P6, objection raised by the petitioner, within two months from the date of receipt of the copy of this judgment. Till the decision is taken in the matter the petitioner's renewed consent shall not be withdrawn

for non compliance of the conditions in Ext.P5. In the light of facts and circumstances, security deposit furnished by the petitioner shall be released subject to further decision of the Environmental Engineer after hearing the petitioner. All other issues raised in the writ petitions are left open.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE