IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 11TH DAY OF JANUARY 2024 / 21ST POUSHA, 1945

WP(C) NO. 31536 OF 2015

PETITIONER:

GEORGE JOSEPH, AGED 44 YEARS
S/O.JOSE, KUNNAPPILLIL HOUSE, ERAVATTUR P O,
PERAMBRA, KOZHIKODE DISTRICT

BY ADVS.
SRI.P.P.THAJUDEEN
SRI.MANSOOR.B.H.
SRI.P.M.MOHAMMED HASSAN

RESPONDENTS:

1 PERAMBRA GRAMA PANCHAYATH, PERAMBRA, KOZHIKODE DISTRICT, PIN 673525, REP BY ITS SECRETARY

2 ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, KOZHIKODE 673525

3 BALAN, KARUNGOTTU MEETHAL, ERAVATTOOR P O,
PERAMBRA, KOZHIKODE 673525

4 BALAN K V, AGED 50 YEARS, S/O.KUNHIKKANNAN,
RESIDING AT KUNDUMKARA VATHUKKAL (H),
ERAVATTOOR P O, PERAMBRA, KOZHIKODE DISTRICT
[ADDL R4 IMPLEADED AS PER ORDER DATED 17.02.16 IN I.A.16778/15]

BY ADVS.
SRI.P.C.SASIDHARAN
SRI. T.NAVEEN SC, KERALA STATE POLLUTION CONTROL BOARD,
SRI.MOHANAN V.T.K.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P. V. KUNHIKRISHNAN, J.

W.P(C).No.31536 of 2015

Dated this the 11th day of January, 2024

JUDGMENT

The above Writ Petition is filed with the following prayers:

> 1.To call for the records leading to Ext P4 and to quash the same by issuing a writ of Certiorari.
>
> 2. To issue a Writ of mandamus commanding the second respondent to finalize the proceedings in Ext P4 in the light of Ext P5 and after affording an opportunity of hearing to the petitioner.
>
> *[SIC]*

2. The petitioner is aggrieved by Ext.P4 show cause notice, by which, a soda manufacturing unit of the petitioner is directed to be stopped. The petitioner submitted Ext.P5 after Ext.P4.

3. When the matter came up for consideration, this Court passed an interim stay of the operation of Ext.P4 and that order is in force even now. In Ext.P4 itself, it is stated that the petitioner can submit the objection and accordingly, Ext.P5 is submitted by the petitioner. If that is the case, Ext.P5 can be directed to be considered

within a time frame and till then, the interim order already passed can continue.

Therefore, this Writ Petition is disposed of with the following directions:

a) The 1st respondent is directed to consider and pass appropriate orders in Ext.P5, after giving an opportunity of hearing to the petitioner, as expeditiously as possible, at any rate within six weeks from the date of receipt of a copy of this judgment.

b) Till final orders are passed as directed above, the operation of Ext.P4 order shall be kept in abeyance.

Sd/-

P. V. KUNHIKRISHNAN
JUDGE

Sbna/

APPENDIX OF WP(C) 31536/2015

PETITIONER EXHIBITS

P1:-TRUE COPY OF THE D & O LICENSE ISSUED BY THE RESPONDENT PANCHAYATH BEARING NO 139/2015 DTD 19/6/2015

P2:-TRUE COPY OF THE INTEGRATED CONSENT TO OPERATE BEARING FILE NO PCB/KKD/DO/ICO/3424/2013 ISSUED BY THE 2ND RESPONDENT

P3:-TRUE COPY OF THE LICENSE BEARING NO 11314011000005 ISSUED BY THE DESIGNATED OFFICER, FOOD SAFETY ENFORCEMENT, KOZHIKODE

P4:-TRUE COPY OF THE NOTICE DTD 12/10/2015 BEARING A5-11117/15 ISSUED BY THE FIRST RESPONDENT

P5:-TRUE COPY OF THE REPLY DTD 14/10/2015 BEFORE THE FIRST RESPONDENT