IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

FRIDAY, THE 26TH DAY OF JULY 2024 / 4TH SRAVANA, 1946

WP(C) NO. 11799 OF 2024

PETITIONER:

INDIRADEVI P,
AGED 63 YEARS
D/O PARUKUTTY AMMA, BEENA NIVAS CHERI TEMPLE NAGAR-4,
KILIKOLLOOR PO, KILIKOLLOOR VILLAGE,
KOLLAM (DIST), PIN - 691004

BY ADVS.
M.RAJESH
G.GOPAKUMAR (KOLLAM)

RESPONDENTS:

1 **THE KOLLAM MUNICIPAL CORPORATION REPRESENTED BY ITS SECRETARY,**
CHINNAKKADA PO, KOLLAM, PIN - 691001

2 **THE SECRETARY,**
KOLLAM MUNICIPAL CORPORATION,
CHINNAKKADA P.O, KOLLAM, PIN - 691001

3 **KERALA STATE POLLUTION CONTROL BOARD**
REP. BY ITS ENVIRONMENTAL ENGINEER,
DISTRICT OFFICE, USHUS BUILDING, BIG BAZAR,
CHINNAKKADA PO, KOLLAM, PIN - 691001

4 **ARUN P KUMAR,**
PROPRIETOR M/S MR. GUBOT CAR RESTORATION CENTRE,
CHERI AMBALAM, RANDAMKUTTI, KILIKOLLOOR VILLAGE,
KILOKOLLOOR PO, KOLLAM (DIST), PIN - 691004

BY ADVS.
B.PRAMOD
BIJU VIGNESWAR
ATHUL M.V.

SRI.NAVEEN.T, SC

SRI.S.SREEKUMAR (KOLLAM),SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

MOHAMMED NIAS C.P., J.

WP(C) No.11799 of 2024

Dated this the 26th day of July, 2024

JUDGMENT

This writ petition is filed directing respondents 1 to 3 to initiate appropriate legal action against the fourth respondent, who according to the petitioner was illegally operating his spray painting unit.

2. A counter affidavit has been filed by the fourth respondent producing the copy of the Acknowledgment Certificate issued by the Department of Industries and Commerce, Government of Kerala under the provisions of the Kerala Micro Small Medium Enterprises Facilitation Act, 2019. He has also obtained a consent to operate from the Pollution Control Board, as is seen from Annexures R4(a) and (b).

3. In view of the above, I am not inclined to grant the prayers sought for by the petitioner.

The writ petition is dismissed accordingly.

Sd/- MOHAMMED NIAS C.P.

JUDGE

dlk/26.7.2024

APPENDIX OF WP(C) 11799/2024

PETITIONER'S EXHIBITS

EXHIBITP1	**THE TRUE COPY OF THE NOTICE OF THE 3RD RESPONDENT NO. PCB/KO/COMP/ULB/1/2021 DATED 25.11.2023 ADDRESSED TO THE 4TH RESPONDENT**
EXHIBITP2	**THE TRUE COPY OF THE NOTICE OF THE 1ST RESPONDENT NO. KZ/R3/511/2023 DATED 20.12.2023 ISSUED TO THE 4TH RESPONDENT**
EXHIBITP3	**THE TRUE COPY OF THE NOTICE NO. DICKLM/424/2024-K13 DATED 06.03.2024 ISSUED BY THE ASSISTANT DISTRICT INDUSTRIES OFFICER, KOLLAM TO THE 4TH RESPONDENT**
EXHIBITP4	**THE TRUE COPY OF THE COMPLAINT OF THE PETITIONER DATED 11.03.2024 ADDRESSED TO THE 2ND RESPONDENT**

RESPONDENTS ANNEXURES

ANNEXURE R-4 (A)	**A TRUE COPY OF THE ACKNOWLEDGMENT CERTIFICATE DATED 16.12.2023**
ANNEXURE R-4 (B)	**A TRUE COPY OF THE CONSENT TO OPERATE DATED 19.06.2024 ISSUED BY THE 3RD RESPONDENT TO MY CONCERN.**
ANNEXURE R3(A)	**TRUE COPY OF THE CIRCULAR NO. PCB/T4/115/97(3) DATED 31-8-2016 ISSUED BY THE POLLUTION CONTROL BOARD.**
ANNEXURE R3(B)	**TRUE COPY OF THE CIRCULAR NO. PCB/TAC/18/2004 DATED 9-8-2004 ISSUED BY THE POLLUTION CONTROL BOARD.**
ANNEXURE R3(C)	**TRUE COPY OF THE CONSENT TO ESTABLISH NO. KSPCB/KL/ICE/10052200/2024 DATED 23-4-2024 ISSUED BY THE POLLUTION CONTROL BOARD.**

ANNEXURE R3(D)	**TRUE COPY OF THE CONSENT TO OPERATE NO. KSPCB/KL/ICO/10067582/2024 DATED 19-6-2024 ISSUED BY THE POLLUTION CONTROL BOARD.**
ANNEXURE R3(E)	**TRUE COPY OF THE LETTER NO. KSPCB/KL/ICO/10067582/2024 DATED 11-7-2024 ISSUED BY THE POLLUTION CONTROL BOARD.**