



2025:KER:20333

WP(C)No.10275 of 2023

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

MONDAY, THE 10TH DAY OF MARCH 2025 / 19TH PHALGUNA, 1946

WP(C) NO. 10275 OF 2023

PETITIONER/S:

**DR JAYASREE P.R.,
AGED 55 YEARS
W/O.SANJEEV VISWAMBARAN, SHREEWILL, T.C. 14/721, MENONS
COLONY, MUTTADA P.O, THIRUVANANTHAPURAM, PIN - 695025**

**BY ADVS.
K.B.PRADEEP
JEEVAN KRISHNAKUMAR**

RESPONDENT/S:

- 1 VILAVOORKAL GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, MALAYINKEEZH P.O,
THIRUVANANTHAPURAM, KERALA, PIN - 695571**
- 2 ANILKUMAR,
SOWMYA BHAVAN, THOTTIKARA, IRATTA KALUNKU,
MALYAINKEEZHU P.O, THIRUVANANTHAPURAM, PIN - 695571**
- 3 ADDL.R3: THE KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER, OFFICE OF
THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION
CONTROL BOARD, PLAMOODU JUNCTION, THIRUVANANTHAPURAM,
PIN - 695004.(IS IMPEADED AS PER ORDER DATED 22/08/23
IN IA2/23).**
- 4 SOWMYA (SOUGHT TO BE IMPEADED)
SOWMYA ,BHAVAN,THOTTIKARA, IRATTA KALUNK ,MALAYAINKEEZU
PO,THIRUVANANTHAPURAM (SOUGHT TO BE IMPEADED)**



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**BY ADVS.
S.ANEESH
SAIJO HASSAN
BENOJ C AUGUSTIN
RAFEEL. V.K.
U.M.HASSAN
BINCY JOB
SALMAN FARIS
DEVI.R.SENS
RAJALAKSHMI R.
SARITHA K.**

OTHER PRESENT:

Shri.T.Naveen, S.C

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



J U D G M E N T

The petitioner is the resident of the 1st respondent, Grama Panchayath, and the grievance highlighted in this writ petition pertains to the conduct of a cattle farm by the 2nd respondent in the property adjacent to the property of the petitioner, without any licenses and sanctions as contemplated under law. It is also the case of the petitioner that the activities of the 2nd respondent is causing serious pollution as well.

2. A counter affidavit has been filed by the 1st respondent wherein the details of inspections conducted in the premises of the 2nd respondent, on various dates are mentioned. The fact that the functioning of cattle farm with several cows including calves are specifically highlighted therein. It was also mentioned that there is no residence within 50 meters radius of the 2nd respondent's property. It was also averred that there was lack of waste management facilities such as bio-gas system, septic tank and soak pit in the said farm.

3. Accordingly, a notice has been issued to the 2nd respondent, to which 2nd respondent submitted a reply on 02.05.2023 stating that the land on the cattle sheds are located as wetland and therefore, they have submitted an application before the Revenue Divisional Officer, Nedumangad for classifying



the property as 'Dry land' in the revenue records. The said application is under process. It was also averred in the said counter affidavit that, the 2nd respondent and his family are depending upon the cattle farm entirely, for their livelihood and therefore, an immediate closure of the farm will have adverse impact on their life.

4. A report was submitted by the Pollution Control Board as directed by this Court. It is discernible from the said report that the Officers of the Pollution Control Board conducted an inspection in the said farm of the 2nd respondent on 02.06.2023. During the said inspection, the farm was operating without obtaining a Consent to Operate from the Board by rearing 24 numbers of cattle. The distance criteria to the nearest residence was met by the unit. The overall housekeeping of the unit was unsatisfactory as the cow dung mixed with water was deposited in the premises. Foul odour was experienced around the farm. There was no bio-gas plant, septic tank and soak-pit in the unit. Accordingly, Annex.R3(a) was issued to the 2nd respondent by the Pollution Control Board. It is also averred that as per Annex.R3(d), the Pollution Control Board had issued a direction to the Secretary to the 1st respondent to take necessary steps against the 2nd respondent for conducting the cattle farm without obtaining any Consent to operate, but no action is seen taken as well.



5. I have heard Sr. K.B.Pradeep, the learned counsel for the petitioner, Sri. S.Aneesh, the learned counsel for the 1st respondent, Sri. Saiju Hassan for the 2nd respondent and Sri.T.Naveen for the additional 3rd respondent Pollution Control Board.

6. Today, when the matter came up for consideration, the Standing counsel for the 1st respondent Panchayath submitted that, after submitting the counter affidavit, they conducted an inspection during the month of January 2025, and it was found that the 2nd respondent had installed a biogas plant. However, on consideration of the relevant records, it is evident that the 2nd respondent is conducting the cattle farm with cattle more than in 20 numbers. The said fact is not disputed by any of the respondents.

7. In fact, in the report of 3rd respondent, it is specifically averred that, at the time of inspection, during the month of March 2023, they found 24 cattle. Therefore, it was obligatory on the part of the 2nd respondent to obtain a trade license from the Panchayath and also to secure a Consent to Operate, from the Pollution Control Board. Evidently, no attempts have been made by the 2nd respondent to obtain such a licence so far. This writ petition has been submitted by the petitioners in 21.03.2023 and more than 2



years have elapsed. Even now, the 2nd respondent and 4th respondent are conducting the cattle farm without any licence.

8. Therefore, under no circumstances, the conduct of the cattle farm by the 2nd and 4th respondents without obtaining statutory licenses/consent from the authorities concerned can be justified. However, considering the fact that, the 2nd and 4th respondents are depending upon the income generated from the farm for their livelihood, a reasonable time can be granted to them to obtain the license.

Therefore, this writ petition is disposed of, directing the respondents 1 and 3 to ensure that the 2nd and 4th respondents are obtaining valid license from the 1st respondent and Consent to operate from the 3rd respondent within a period of three months from the date of receipt of copy of this judgment. In case the 2nd and 4th respondent are not obtaining license and Consent from the authorities, as referred to above, necessary steps shall be taken by the 1st and 3rd respondent to close down the cattle farm.

Sd/-

**ZIYAD RAHMAN A.A.
JUDGE**

**APPENDIX OF WP(C) 10275/2023****PETITIONER EXHIBITS**

Exhibit P1	TRUE COPY OF THE COMPLAINT TO THE 1 ST RESPONDENT. DT 02- 03-2022
Exhibit P2	TRUE COPY OF THE NOTICE TO THE 2 ND RESPONDENT DATED 04- 2022
Exhibit P3	TRUE COPY OF THE LETTER ISSUED BY THE 1ST RESPONDENT DATED 07-01-2023
Exhibit P4	TRUE COPY OF THE RTI REPLY DATED 04-02-2023 ISSUED BY THE 1ST RESPONDENT
Exhibit P5	TRUE COPY OF THE PHOTOGRAPH SHOWING THE COW DUNG/SLURRY DISCHARGED FROM THE 2 ND RESPONDENT'S COW FARM STAGNATED AROUND PETITIONER'S LAND
Exhibit P-6	TRUE COPY OF THE LETTER DATED 14-06-2023, ISSUED BY THE STATE PCB TO THE 2 ND RESPONDENT AND HIS WIFE
Exhibit P7	TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE 3 RD RESPONDENT DATED 25/09/2023
Exhibit P8	TRUE COPY OF THE REPLY DT 09-01-2024 ISSUED BY THE 3 RD RESPONDENT
Exhibit P9	THE TRUE COPY OF THE PHOTOGRAPH SHOWING COLLECTION OF WATER PERMEATED THROUGH THE BOTTOM OF COMPOUND WALL FROM THE TRENCHES MADE BY THE 2 ND RESPONDENT ALONG WITH THE COMPOUND WALL.
Exhibit P10	THE TRUE COPY OF THE PHOTOGRAPH SHOWING A BIG PIPE FIXED BY THE 2 ND RESPONDENT TO DISCHARGE THE COW DUNG AND THE URINE MIXED WATER
Exhibit P11	TRUE COPY OF THE LETTER DT 22/05/2024 ISSUED BY THE 3 RD RESPONDENT.



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RESPONDENT ANNEXURES

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| Annexure R3(a) | True copy of the direction letter dated 14-6-2023 issued by the Board to the 2nd respondent. |
| Annexure R3(b) | True copy of the Standard Operating Procedure dated 15-12-2020 issued by the Board. |
| Annexure R3(c) | True copy of the Letter dated 23-9-2023 (show cause notice) dated 23-9-2023 issued by the Board to the 2nd respondent. |
| Annexure R3(d) | True copy of the Letter dated 22-5-2024 issued by the Board to the Secretary of the Vilavoorkal Panchayat. |