

Kunju Moideen vs Kerala State Pollution Control Board

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Court : Kerala

Decided On : May-31-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/30256/2016

Appellant : Kunju Moideen

Respondent : Kerala State Pollution Control Board

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946 WP(C)
NO. 30256 OF 2016 PETITIONER: KUNJU MOIDEEN AGED 65 YEARS
S/O. KADAR, AGED 65 YEARS, RESIDING AT PADAPARAMBIL
HOUSE, NANGELIPPADY JUNCTION, NELLIKUZHY
KOTHAMANGALAM, ERNAKULAM DISTRICT, PIN-686691 BY ADV
SRI. PEEYUS A. KOTTAM RESPONDENT: KERALA STATE
POLLUTION CONTROL BOARD DISTRICT OFFICE
(ERNAKULAM) II PERUMBAVOOR, 1ST FLOOR, MANNA RESIDENCY,
M.C. ROAD, PERUMBAVOOR, ERNAKULAM DISTRICT, PIN-
686691, REP. BY ITS ENVIRONMENTAL ENGINEER SRI. NAVEEN .T,

SC PCB THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN,J.

----- Dated this the 31st day of May,
2024

JUDGMENT

This writ petition is filed with the following prayers:- i) Call for the entire records leading to issue of Ext.P- 8 and quash the same by issuing a writ of certiorari or any other appropriate writ or order or direction. ii) Issue a writ of mandamus or any other appropriate writ or order or direction and thereby command the respondent to inspect the petitioner's building and inform him as to what all precautions are to be taken by the petitioner to eliminate pollution, if any. iii) Grant such other reliefs, which are just and necessary in the interest of justice and deem fit, just and proper. (SIC)

2. The petitioner challenged Ext.P8 closure order. When

this writ petition came up for consideration on 09.9.2016, this Court stayed Ext.P8 order for a period of three weeks. Thereafter, the interim order was extended for one month on 23.09.2016. Subsequently, the interim order was not extended. Probably, the prayers in this writ petition might have been infructuous. If there is any fresh cause of action to the petitioner, the same is left open. With the above observations, this writ petition is disposed of. Sd/- P.V.KUNHIKRISHNAN JUDGE
bng APPENDIX OF WP(C) 30256/2016 PETITIONER EXHIBITS EXHIBIT P1: THE TRUE COPY OF THE TAX RECEIPT ON.47 DATED BUILDING NO.VIII/221,222,223,224, AND 225. EXHIBIT P2: THE TRUE COPY OF THE TAX RECEIPT NO.49 DATED BUILDING NO VIII/221A TGO 221E EXHIBIT P3: THE TRUE COPY OF THE BUILDING TAX RECEIPT NO.48

DATED 3.09.2012 ISSUED BY THE SECRETARY NELLIKUZH GRAMAPANCHAYATH TO THE PETITIONER IN RESPECT OF BUILDING NO.VIII/221F TO 221J EXHIBIT P4: THE TRUE COPIES OF RECEIPTS C-1156003014345 DATED 21.07.2016 FOR RE. 104.00 SHOWING SEPARATE ELECTRICITY CONNECTION TO THESE BUILDINGS EXHIBIT P5: THE TRUE COPIES OF RECEIPTS C-1156008027887 DATED 21.07.2016 FOR RS. 132.00 AND C-1156005027884 DATED 21.07.2016 FOR RS. 391.00 SHOWING SEPARATE ELECTRICITY CONNECTION TO THESE BUILDINGS. EXHIBIT P6: TRUE COPY OF THE NOTICE OF INTENTION OF CLOSURE NO. PCB/EKM//DD2/GEN-CF/14/2013 DATED 13.07.2016 ISSUED BY THE RESPONDENT EXHIBIT P7: THE TRUE COPY OF THE JUDGMENT IN WPC NO.24825/2016-(C) DATED NO.4.08.2016 OF THIS HONORABLE COURT.

EXHIBIT P8: THE TRUE COPY OF THE CLOSURE ORDER

NO.PCB/EKM/DO2/GEN-CF/14/2013 DATED 31.08.2016 ISSUED BY THE KERALA POLLUTION CONTROL BOARD TO THE PETITIONER EXHIBIT P9: A TRUE COPY OF THE OBJECTION DATED 31.08.2016 TO THE PRE CLOSURE NOTICE DATED 13.07.2016 GIVEN BY THE PETITIONER TO POLLUTION CONTROL BOARD.

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