

**Abdul Karim vs the Kerala State Pollution Control Board**

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**SooperKanoon Citation :** [sooperkanoon.com/1442614](http://sooperkanoon.com/1442614)

**Court :** Kerala

**Decided On :** Jul-20-2022

**Judge :** Honourable Mr. Justice P.V.Kunhikrishnan

**Appeal No. :** WP(C)/1266/2022

**Appellant :** Abdul Karim

**Respondent :** The Kerala State Pollution Control Board

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN  
WEDNESDAY, THE 20TH DAY OF JULY 2022 / 29TH ASHADHA, 1944  
WP(C) NO. 1266 OF 2022 PETITIONER: ABDUL KARIM AGED 46  
YEARS S/O. MUHAMMED SHEREEF, RESIDING IN THE ADDRESS  
THENKARA ,PALAKKAD, DISTRICT-678 582 BY ADV G.SREEKUMAR  
(CHELUR) RESPONDENTS:

1 THE KERALA STATE POLLUTION CONTROL BOARD  
REPRESENTED BY ITS CHIEF ENVIRONMENTAL ENGINEER,  
PLAMOODU, THEKKENMOODU ROAD, PATTOM,  
THIRUVANANTHAPURAM DISTRICT-695 004 2 THE

ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, PALAKKAD, NEAR DISTRICT PANCHAYATH OFFICE, PALAKKAD DISTRICT-678 001 3 MUHAMMED BASHEER, AGED 53 YEARS S/O. ABDU, RESIDING IN THE ADDRESS POTHYIL VEEDU, THENKARA P.O., MANNARCAUD, PALAKKAD DISTRICT-6789 582 BY ADVS.T.NAVEEN, SC AYSHA YOUSEFF MOLLY JACOB RABIA BEEGAM T.K. JOBI.A.THAMPI ASHIFA YOUSEFF M.KABANI DINESH C.M.EBRAHIM SHOUKATH HUSAIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J.**

----- W.P.(C).No.1266 of 2022  
----- Dated this the 20th day of July, 2022

## **JUDGMENT**

This writ petition is filed with following prayers:

i. Call for the records leading to Ext P5 and may be pleased to issue a writ of certiorari to quash the same. ii. Issue a writ of mandamus or any other appropriate writ order or direction commanding the 2nd respondent to inspect the premises in question and after affording an opportunity of being heard to the petitioner and after hearing the explanation offered by the petitioner to take note of all the attended circumstances and pass an order in supersession of Ext.P5 within specified time limits in the interest of justice. iii. To pass any such or further orders as the petitioner may seek and this Hon'ble Court deem fit to grant. (SIC)

2. The main challenge is against Ext.P5 order passed

by the Kerala State Pollution Control Board. The grievance of the petitioner is that a closure order is passed without giving an opportunity of hearing to the petitioner.

3. When this writ petition came up for consideration on 14.01.2022, this Court passed the following order: Admit.

2. Learned standing counsel takes notice for respondents 1 and 2. Issue notice to the 3rd respondent by speed post or by e-mail.

3. Having heard the learned counsel for the

petitioner, there will be an interim direction that in case the petitioner approaches the 2nd respondent and gives a written undertaking that the burning of waste in the premises will not be repeated and agreeing to comply with any lawful directions issued by the 2nd respondent, the 2nd respondent shall permit the functioning of the premises in accordance with the consent granted by the 2nd respondent. Interim order shall remain in force for a period of one month.

3. The order is in force even now and the farm is

functioning based on the interim order. If that is the case, the petitioner can file his explanation to Ext.P5 to the Pollution Control Board within a time frame and there can be a direction to the Pollution Control Board to consider the same and till then, this interim order can be directed to continue. Therefore, this writ petition is disposed of in the following manner:

1. The petitioner is free to submit his explanation to Ext.P5 before the 2nd respondent, within three weeks from the date of receipt of a copy of this judgment.

2. Once such an explanation is received, the 2nd respondent will consider the same and pass appropriate orders, after giving an opportunity of hearing to the petitioner and the 3rd respondent.

3. If the explanation is submitted as directed above, till final orders are passed by the 2nd respondent, the interim order dated 14.01.2022 will continue.

4. If no explanation is submitted, the 2 nd

respondent is free to proceed based on Ext.P5 in accordance to law. sd/-  
P.V.KUNHIKRISHNAN JV JUDGE APPENDIX OF WP(C) 1266/2022  
PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE WPC NO.34004 OF  
18 FILED BEFORE THIS HON'BLE COURT DATED 20.10.18 Exhibit P2 A TRUE  
COPY OF THE ORDER PASSED BY THE SECOND RESPONDENT DATED  
13.2.19 Exhibit P3 A TRUE COPY OF THE REQUEST OF THE PETITIONER  
DATED 11.2.19 Exhibit P4 A TRUE COPY OF THE ORDER PASSED BY THIS  
HON'BLE COURT IN WPC NO.34004 OF 18 DATED 12.12.18 Exhibit P5 A TRUE  
COPY OF THE ORDER PASSED BY THE SECOND RESPONDENT DATED  
5.1.22. Exhibit P6 A TRUE COPY OF THE WEDDING CARD FOR THE  
MARRIAGE TO TAKE PLACE ON 23.1.22 Exhibit P7 A TRUE COPY OF THE  
WEDDING CARD FOR THE MARRIAGE TO TAKE PLACE ON 27.1.22. Exhibit  
P8 A TRUE COPY OF THE WEDDING CARD FOR THE MARRIAGE TO TAKE  
PLACE ON 30.1.22 RESPONDENTS EXHIBITS EXHIBIT R3(A) COPY OF THE  
REPORT FILLED BY THE 3RD RESPONDENT EXHIBIT R3(B) PHOTOGRAPHS  
SHOWING HTE COLLECTION AND BURNING OF WASTE IN THE PREMISES  
OF AUDITORIUM EXHIBIT R3(C) COPY OF THE COMPLAINT FILED BY THE  
3RD RESPONDENT BEFORE THE MANNARKKAD POLICE STATION EXHIBIT  
R3(D) PHOTOGRAPHS SHOWING HTE POURING OF WATER TO  
EXTINGUISH THE FIRE IN THE PRESENCE OF THE POLICE EXHIBIT R3(E)  
COPY OF HTE REPORT GIVEN BY THE POLICE TO THE ENVIRONMENTAL  
ENGINEER EXHIBIT R3(F) COPY OF THE LETTER NO.PCB/PLKD/IC/TG-  
PETITIONER TO PETITIONER EXHIBIT R3(G) PHOTOGRAPH OF THE  
MARRIAGE FUNCTION

### **HELD ON 23.01.2022 IN THE PAZHERI**

PALACE AUDITORIUM EXHIBIT R3(H) COPY OF THE CONSENT ISSUED BY  
TEH 2ND RESPONDENT TO PETITIONER

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