

Ittoop V.I. vs the State of Kerala and Others

Ittoop V.I. vs the State of Kerala and Others

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Court : Kerala Orders

Decided On : Nov-25-2021

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/23956/2011

Appellant : Ittoop V.I.

Respondent : The State of Kerala and Others

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 25TH DAY OF NOVEMBER 2021 / 4TH
AGRAHAYANA, WP(C) NO. 23956 OF 2011 PETITIONER: ITTOOP V.I.
S/O.LATE VAZHAPPILLY ITTERA, KUNDOOR PO, THRISSUR
DISTRICT. BY ADVS. SRI.G.SREEKUMAR (CHELUR) SRI.RENIL
ANTO KANDAMKULATHY SRI.K.RAVI PARIYARATH RESPONDENTS:

1 THE STATE OF KERALA REP BY THE SECRETARY TO THE
GOVT,, LOCAL SELF GOVERNMENT DEPARTMENT, GOVT
SECRETARIAT,THIRUVANANTHAPURAM 695 001. 2 THE KUZHOOR
GRAMA PANCHAYATH KUZHOOR PO, THRISSUR DISTRICT,, REP

BY ITS SECRETARY,KUZHUR PO,, THRISSUR 680 734. 3 THE KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE,REP BY ITS ENVIRONMENTAL ENGINEER, POONKUNNAM, THRISSUR 680001. ADDL.R4 BABU, AGED 37 YEARS S/O. JOSE, PARASSERY HOUSE,, KUNDOOR P.O., ALAMATTAM, THRISSUR DISTRICT.

(ADDL.R4 IS IMPEADED AS PER ORDER IN IA.17601/2011 DATED 03.11.2011) BY ADVS.SRI.V.M.KRISHNAKUMAR KUM.D.MINI RAJAN SMT.P.R.REENA SMT.K.J.SONIA SRI.S.VIDYASAGAR SMT.DEEPA NARAYANAN, SR.GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.11.2021, ALONG WITH WP(C).33279/2011 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 25TH DAY OF NOVEMBER 2021 / 4TH
AGRAHAYANA, WP(C) NO. 28293 OF 2011 PETITIONER: BABU, S/O.
JOSE, PARASSERY HOUSE, KUNDUR P.O., THRISSUR DISTRICT.
BY ADVS. SRI.V.M.KRISHNAKUMAR SMT.P.R.REENA
RESPONDENTS:

1 SUPERINTENDENT OF POLICE, THRISSUR RURAL, AYYANTHOLE, THRISSUR, PIN-680 003. 2 CIRCLE INSPECTOR OF POLICE, MALA, THRISSUR DISTRICT, PIN-680 732. 3 SUB INSPECTOR OF POLICE, MALA THRISSUR DISTRICT, PIN-680 732. 4 KERALA STATE POLLUTION CONTROL BOARD REPRESENTED BY ENVIRONMENTAL ENGINEER,, POONKUNNAM, THRISSUR, PIN-680 002. 5 DISTRICT MEDICAL OFFICER THRISSUR, PIN-680 001. 6 KUZHUR GRAMAPANCHAYAT REPRESENTED BY ITS SECRETARY, KUZHUR, THRISSUR DISTRICT,, PIN-680 734. 7 V.I.ITOOP, S/O.ITTIRA VAZHAPILLY HOUSE, KUNDOOR P.O., THRISSUR

DISTRICT, PIN-680 734. BY ADVS.SRI.K.RAVI PARIYARATH
SRI.G.SREEKUMAR CHELUR SRI.S.VIDYASAGAR SMT.RASHMI
K.M., SR.GOV'T. PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25.11.2021, ALONG WITH WP(C).33279/2011 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 25TH DAY OF NOVEMBER 2021 / 4TH
AGRAHAYANA, WP(C) NO. 33279 OF 2011 PETITIONER: ITTOOP V.I,
S/O. LATE VAZHAPPILLY ITTERA, KUNDOOR P.O.,, THRISSUR
DISTRICT. BY ADVS. SRI.G.SREEKUMAR (CHELUR) SRI.RENIL
ANTO KANDAMKULATHY SRI.K.RAVI PARIYARATH RESPONDENTS:

1 THE STATE OF KERALA, REP. BY THE SECRETARY TO THE
GOVT., LOCAL SELF GOVERNMENT DEPARTMENT,
GOVT.SECRETARIAT,, THIRUVANANTHAPURAM-695 001. 2 THE
KUZHOOR GRAMA PANCHAYATH KUZHOOR P.O., THRISSUR
DISTRICT, REP. BY, ITS SECRETARY, KUZHOOR P.O., THRISSUR-
680 734. 3 THE KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, REP. BY ITS ENVIRONMENTAL ENGINEER,
POONKUNNAM, THRISSUR-680 001. 4 THE DISTRICT MEDICAL
OFFICER OF HEALTH THRISSUR-680 001. SMT.VIDYA KURIAKOSE,
GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25.11.2021, ALONG WITH WP(C).23956/2011, FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- W.P.(C).Nos.23956, 28293 & 33279 of 2011
----- Dated this the 25th day of November,
2021

JUDGMENT

These writ petitions are connected and therefore, I am disposing these cases by a common judgment. Prayers in W.P.(C). No.23956 of 2011 are as follows:

- i. Issue an appropriate writ of mandamus or any other appropriate writ, order or direction commanding the 3rd respondent, to conduct necessary inspection as is directed in Ext.P3 and to decide the renewal application of the consent to operate as well, as evidenced by Ext.SP4 and P5 within such time as may be fixed by this Honble Court in the interest of justice.
- ii. To pass any such or further orders as the petitioner may seek and this Honble Court deem fit to grant. W.P.(C). No.33279 of 2011 is filed for renewal of licence. W.P.(C). No.28293 of 2011 is filed by the objectors.

2. Today, when this writ petition came up for

consideration, the Standing Counsel for the Pollution Control Board submitted that the unit itself is not functioning from 2011 onwards. In such circumstances, I think nothing survives in these writ petitions and hence, dismissed. Sd/- P.V.KUNHIKRISHNAN JV JUDGE APPENDIX OF WP(C) 23956/2011 PETITIONER EXHIBITS EXHIBIT P1 COPY OF THE CONSENT TO ESTABLISH ISSUED BY THE THIRD RESPONDENT DATED 3.12.07 EXHIBIT P2 COPY OF THE CONSENT TO OPERATE ISSUED BY THE THIRD RESPONDENT DATED 15.11.08 EXHIBIT P3 COPY OF THE JUDGMENT IN WPC NO.38385 OF 2010 AND CONNECTED CASES DATED 27.06.2011 OF THIS COURT EXHIBIT P4 COPY OF THE RECEIPT GIVEN BY THE THIRD RESPONDENT DATED 18.7.11 EXHIBIT P5 COPY OF THE DEMAND DRAFT TAKEN IN THE NAME OF THE THIRD RESPONDENT DATED 18.7.2011 RESPONDENTS EXHIBITS EXHIBIT R4(A) COPY OF THE REPORT OF THE DISTRICT MEDICAL OFFICER OF

HEALTH, THRISSUR DATED 22.09.2011 EXHIBIT R4(B) COPY OF THE CIRCULAR OF KERALA STATE POLLUTION CONTROL BOARD DATED 30.12.2010 EXHIBIT R4(C) COPY OF THE PROCEEDINGS OF THE PROCEEDINGS OF THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD DATED 24.09.2011 APPENDIX OF WP(C) 28293/2011 PETITIONER EXHIBITS EXHIBIT P1 COPY OF THE PETITION FILED BY THE PETITIONER, BEFORE THE 3RD RESPONDENT DATED 17.10.2011 EXHIBIT P2 COPY OF THE REPORT OF THE DEPUTY DIRECTOR OF PANCHAYAT, THRISSUR EXHIBIT P3 COPY OF THE CIRCULAR DATED 30.12.2010 OF HTE POLLUTION CONTROL BOARD EXHIBIT P4 COPY OF THE JUDGMENT IN WPC 38385/2010 DATED 27.06.2011 EXHIBIT P5 COPY OF THE REPORT OF THE DISTRICT MEDICAL OFFICER DATED 22.9.2011 EXHIBIT P6 COPY OF THE REPORT DATED 24.9.2011 FILED BY THE KERALA STATE POLLUTION CONTROL BOARD TO THE SECRETARY OF THE GRAMAPANCHAYAT EXHIBIT P7 COPY OF THE LETTER DATED 18.02.2011 OF THE ENVIRONMENTAL ENGINEER EXHIBIT P8 COPY OF THE ORDER DATED 02.09.2011 IN WPC 23956/2011 APPENDIX OF WP(C) 33279/2011 PETITIONER EXHIBITS EXHIBIT P1 COPY OF THE CONSENT TO ESTABLISH ISSUED BY THE THIRD RESPONDENT DATED 3.12.07 EXHIBIT P2 COPY OF THE CONSENT TO OPERATE ISSUED BY THE THIRD RESPONDENT DATED 15.11.08 EXHIBIT P3 COPY OF THE JUDGMENT IN WPC NO.38385 OF 2010 AND CONNECTED CASES DATED 27.06.2011 OF THIS COURT EXHIBIT P4 COPY OF THE RECEIPT GIVEN BY THE THIRD RESPONDENT DATED 18.7.11 EXHIBIT P5 COPY OF THE DEMAND DRAFT TAKEN IN THE NAME OF THE THIRD RESPONDENT DATED 18.7.2011 EXHIBIT P6 COPY OF THE COMMUNICATION BY THE 4TH RESPONDENT DATED 22.09.2011 EXHIBIT P7 COPY OF THE COMMUNICATION BY THE 3RD RESPONDENT DATED 24.09.2011 EXHIBIT P8 COPY OF THE COMMUNICATION BY THE 3RD RESPONDENT DATED 18.02.2011 RESPONDENTS EXHIBITS: ANNEXURE R3(A) COPY OF THE CONSENT TO ESTABLISH ISSUED ON 3.12.2007 ANNEXURE R3(B) COPY OF THE CONSENT TO OPERATE ISSUED ON 15.11.2008 ANNEXURE R3(C) COPY OF THE NOTICE FOR WITHDRAWAL OF CONSENT TO OPERATE DATED 18.02.2011

ANNEXURE R3(D) COPY OF THE CONSENT VARIATION ORDER

DATED 14.03.2011 ANNEXURE R3(E) COPY OF THE LETTER DATED 24.9.2011 FROM THE 3RD RESPONDENT TO THE SECRETARY, KOOZHOO GRAMAPANCHAYAT ANNEXURE R3(F) COPY OF THE CIRCULAR NO.PCB/HO/KTM/16741/09/09 DATED 21.11.2011

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