
(2022) 07 KL CK 0100

In the High Court Of Kerala

Case No : Writ Petition (C) No. 18026 Of 2015

Ananthakrishnan

APPELLANT

Vs

Secretary, Elapully Grama Panchayat Para, Elapully.P.O,
Palakkad District 678622

RESPONDENT

Date of Decision : 11-07-2022

Acts Referred:

Citation : (2022) 07 KL CK 0100

Hon'ble Judges : Shaji P.Chaly, J

Bench : Single Bench

Advocate : Binoy Vasudevan, P.G.Babitha, P.K.Mohanan

Final Decision : Disposed Of

Judgement

Shaji P.Chaly, J

1. The petitioner has filed this writ petition seeking the following reliefs:

1. Issue a writ of certiorari or other appropriate writs, orders or directions calling for the records leading upto Ext. P8 and to quash the same.

2. Issue a writ of mandamus or other appropriate writs, orders or directions commanding the respondents 1 and 2 to issue a direction closing down the unit run by the 3rd respondent which is in violation of all statutory provisions and circulars governing the field.

3. Issue a writ to declare that the action of the first respondent in granting licence to the petitioner without obtaining a consent to operate from the 2nd respondent as illegal and arbitrary.

2. This writ petition is filed basically challenging Ext. P8 consent to operate issued by the Kerala State Pollution Control Board to respondent No.3 on 24.03.2015, which was valid upto 31.12.2017. Virtually, the first relief sought for by the petitioner has become infructuous. However, the petitioner has sought for a general relief as per relief No.2 extracted above.

3. In my considered opinion, this Court cannot pass any order interdicting a person from conducting any industry, if the industrial unit has secured necessary consent/permit/orders from any statutory authorities required under law. It is for the petitioner to point out the same and approach the statutory authority in accordance with law. No materials are produced before this Court by the petitioner to consider the general relief sought for by the petitioner as above.

In that view of the matter, this writ petition is disposed of, leaving open the liberty of the petitioner to approach any statutory authorities, if there is any illegality in the conduct of the industry by the third respondent.