
(2022) 09 KL CK 0089
In the High Court Of Kerala
Case No : Writ Appeal No. 517 Of 2020

Ananthan (Civil Police Officer)

APPELLANT

Vs

C.Jayanarayanan

RESPONDENT

Date of Decision : 19-09-2022

Acts Referred:

Citation : (2022) 09 KL CK 0089

Hon'ble Judges : K.Vinod Chandran, J;C.Jayachandran, J

Bench : Division Bench

Advocate : P.R.Venkatesh, G.Keerthivas, Dheeraj.A.S, S.Nirmal, T.Naveen, Jobi Jose Kondody

Final Decision : Dismissed

Judgement

K. Vinod Chandran, J

1. The petitioner in the writ petition was concerned with the erection and commission of a hot mix plant. The Kerala State Pollution Control Board [for brevity, 'the PCB'] had granted consent to operate, which was valid up to 30.06.2020 as per Ext.P3. The petitioner was also issued with licence under the Kerala Panchayat Raj (Issue of Licence to Factories, Trades, Entrepreneurship activities and other services) Rules, 1996 as per Ext.P4, which licence was valid till 31.03.2020. Finding that the local body and the PCB had permitted the operation and plant, this Court directed that obstruction, if any, caused by the party respondents 4 to 6 shall be averted by necessary police protection. Respondents 4 to 6 were also granted liberty to challenge the licences, if required.

2. The appeal is filed by respondents 4 & 6 alone. We have heard the learned Counsel for the appellants Sri.P.R.Venkatesh, learned Standing Counsel for the PCB Sri.T.Naveen, learned Standing Counsel for the 3rd respondent Sri.S.Nirmal and the learned Counsel for the 1st respondent Sri.Jobi Jose Kondody.

3. The learned Counsel for the appellant submits that the 1st appellant is a Civil

Police Officer and he never interfered with the functioning of the hot mix plant and he does not intend to do so. However, the 2nd appellant still has a contention against the hot mix plant carried on. It is submitted that the same is polluting the locality. However, it is pertinent that the 2nd appellant has not availed of the reservation as provided in the judgment; ie. of challenging the licences issued. Admittedly, the consent was up to 30.06.2020 and it has been renewed for various periods after that. The learned Counsel for the 1st respondent submits that the Panchayat had also renewed the licence thereafter. In fact the specific submission of the learned Counsel for the appellant is that the respondent is still continuing the operation of the hot mix plant. Definitely, if the licences are not renewed, the PCB or the Panchayat can take appropriate steps. Even now the appellant is entitled to challenge the licences, if required, in accordance with law. However, it is made clear that in the guise of a challenge, there can be no obstruction to the validly carried on hot mix plant and if any such obstruction is caused, definitely the Police will interfere and avert the obstruction.

The writ appeal is dismissed, with the above reservation.