

(2001) 01 SC CK 0011
In the Supreme Court Of India
Case No : Civil Appeal No. 5918 of 1997

Brij Mohan Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 24-01-2001

Acts Referred:

Kerala Panchayat (Licensing of Dangerous and Offensive Trade and Factories) Rules, 1996 — Rule 6, 12
Constitution of India — Article 226

Citation : (2001) 01 SC CK 0011

Hon'ble Judges : G. B. Pattanaik, J; B. N. Agrawal, J

Bench : Division Bench

Final Decision : Allowed

Judgement

G.B. Pattanaik J.-Leave granted.

2. The short question that arises in this appeal is whether the High Court in exercise of its power under Article 226 of the Constitution of India was justified in interfering with the order of the Panchayat concerned refusing to grant licence for installing a metal crusher machine within the Panchayat in exercise of powers under Rules 6 and 12 of the Kerala Panchayat (Licensing of Dangerous and Offensive Trade and Factories) Rules, 1996, hereinafter referred to as "the Rules".

3. It is no doubt true that the entrepreneur had obtained the necessary "no-objection certificate" from the environmental authorities. But the Panchayat, on consideration of the matter, was of the opinion that the decision not to grant permission to instal the metal crusher machine would be in the interest of the public and it ascribed 4 reasons as to why the Panchayat comes to the conclusion that it would not be in the public interest to grant such licence. All those reasons, to our mind, are germane to the issue and cannot be held to be arbitrary or fictitious.

4. Having regard to the parameters prescribed by this Court in exercise of power

under Article 226 of the Constitution of India against an order of a statutory authority, we have no hesitation to come to the conclusion that the High Court seriously erred in law in issuing the impugned direction. In our view, in the facts and circumstances of the present case, the Panchayat was fully justified in refusing to grant licence to the entrepreneur.

5. In the aforesaid premises, the impugned judgment of the High Court is set aside and appeal allowed accordingly.