

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

THURSDAY, THE 7TH DAY OF MARCH 2024 / 17TH PHALGUNA, 1945

WP(C) NO. 25737 OF 2023

PETITIONER:

DR. SUJA MATHEW JUDE
AGED 51 YEARS
W/O. DR. JUDE JOSEPH,
ANGELLUS, L/101A, MALLOOSSERY P.O.,
CHUNGAM, KOTTAYAM DISTRICT,
PIN - 686 041.

BY ADVS.
SANIL JOSE
K.P.ANTONY BINU

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY,
INDUSTRIES DEPARTMENT, THIRUVANANTHAPURAM,
PIN - 695 001.
- 2 KERALA STATE POLLUTION CONTROL BOARD
KOTTAYAM, CMS COLLEGE ROAD,
KOTTAYAM, REPRESENTED BY THE ENVIRONMENTAL
ENGINEER, PIN - 686 001.
- 3 KOTTAYAM MUNICIPALITY
MUNICIPAL OFFICE, KOTTAYAM
REPRESENTED BY ITS SECRETARY,
PIN - 686 001.
- 4 THE STATION HOUSE OFFICER
GANDHINAGAR POLICE STATION,
ARPOOKARA, KOTTAYAM DISTRICT,
PIN - 686 008.
- 5 NOUFAL
AGED 36 YEARS, KIZHAKETHIL,
M.K. RESIDENCY,
OPPOSITE METALS AND AILOYS,
MALLOOSSERY P.O., CHUNGAM,
KOTTAYAM DISTRICT,
PIN - 686 041.
- 6 JOE JOSEPH
CHINGAMPARAMBU HOUSE,
VAZHAPPALLY P.O., CHANGANACHERRY,
KOTTAYAM DISTRICT,
PIN - 686 103.

7 ANANDHU
KIZHAKETHIL, M.K. RESIDENCY,
OPPOSITE METALS AND AILOYS,
MALLOOSSERY P.O., CHUNGAM,
KOTTAYAM DISTRICT,
PIN - 686 041.

*ADDL. ELITE TRADINGS
R8 KIZHAKETHIL, WARD NO.50, 102,
MALLOOSSERY P.O., CHUNGAM,
KOTTAYAM DISTRICT - 686 041,
REPRESENTED BY ITS MANAGING PARTNER JOSEPH
KURIAKOSE.

*IMPLEADED AS ADDL.R8 AS PER ORDER DTD
16.10.2023 IN IA 1/2023 OF WP(C) 25737/2023.

BY ADVS.
SRI. NAVEEN T. - SC
SRI. AJIT JOY - SC
SRI. NIREESH MATHEW
SRI. M.G.KARTHIKEYAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 07.03.2024, ALONG WITH WP(C).40249/2023,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

THURSDAY, THE 7TH DAY OF MARCH 2024 / 17TH PHALGUNA, 1945

WP(C) NO. 40249 OF 2023

PETITIONER:

JOE JOSEPH,
AGED 32 YEARS
S/O. JOSEPH KURIAKOSE,
CHINGAMPARAMBU HOUSE,
VAZHAPPALLY P.O, CHANGANACHERRY,
KOTTAYAM DISTRICT,
PIN - 686 103.

BY ADV M.G.KARTHIKEYAN

RESPONDENTS:

- 1 THE KOTTAYAM MUNICIPALITY,
MUNICIPAL OFFICE, KOTTAYAM,
REPRESENTED BY ITS SECRETARY,
PIN - 686 001.
- 2 THE SECRETARY,
KOTTAYAM MUNICIPALITY,
MUNICIPAL OFFICE, KOTTAYAM,
PIN - 686 001.
- 3 DR.SUJA MATHEW JUDE,
AGED 51 YEARS
W/O. DR.JUDE JOSEPH,
ANGELLUS,L/101-A,
MALLOOSSERY P.O, CHUNGAM,
KOTTAYAM DISTRICT,
PIN - 686 041.

SRI. AJIT JOY - SC, KOTTAYAM MUNICIPALITY
SANIL JOSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 07.03.2024, ALONG WITH WP(C).25737/2023,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Since common issues arise for consideration in these writ petitions, they are disposed of by this common judgment.

2. W.P.(C) No.25737 of 2023 is filed for the following reliefs:-

“(i) Issue a writ in the nature of mandamus directing the 2nd, 3rd and 4th respondents to take immediate action on Exhibits P1, P3 and P5 complaints;

(ii) issue a writ in the nature of mandamus directing respondents 6 to 7 to stop the illegal functioning of industrial unit forthwith.”

3. The respondents 5 to 8 as well as the petitioner in W.P.(C) No.40249 of 2023 submits that they will move out of the present premises within a period of four months. This submission is recorded.

In view of the said submission, nothing further

requires to be considered in the writ petitions.

Accordingly, the writ petitions are disposed of.

Sd/-

**MURALI PURUSHOTHAMAN
JUDGE**

SPR

APPENDIX OF WP(C) 25737/2023

PETITIONER'S EXHIBITS:-

EXHIBIT P1	TRUE PHOTOCOPY OF THE COMPLAINT DATED 24/7/2023 SUBMITTED TO THE 2ND RESPONDENT.
EXHIBIT P2	TRUE PHOTOCOPY OF THE RECEIPT DATED 24/7/2023 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P3	TRUE PHOTOCOPY OF THE COMPLAINT DATED 24/7/2023 SUBMITTED TO THE 3RD RESPONDENT.
EXHIBIT P4	TRUE PHOTOCOPY OF THE RECEIPT DATED 24/7/2023 ISSUED BY THE 3RD RESPONDENT.
EXHIBIT P5	TRUE PHOTOCOPY OF THE COMPLAINT DATED 27/7/2023 SUBMITTED BEFORE THE 4TH RESPONDENT.
EXHIBIT P6	TRUE PHOTOCOPY OF THE RECEIPT DATED 27/7/2023 ISSUED BY THE 4TH RESPONDENT.

RESPONDENTS EXHIBITS:-

EXHIBIT R5(a)	TRUE PHOTOCOPY OF THE GST REGISTRATION CERTIFICATE DATED 13.06.2023 ISSUED BY THE GOVT. OF INDIA.
EXHIBIT R6(b)	TRUE PHOTOCOPY OF THE CONSENT TO OPERATE ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD, 2ND RESPONDENT.
EXHIBIT R6(c)	TRUE PHOTOCOPY OF THE ACKNOWLEDGMENT EVIDENCING THE RECEIPT OF THE APPLICATION FOR LICENSE, ISSUED BY THE 3RD RESPONDENT DATED 04.08.2023.
EXHIBIT R6(d)	TRUE PHOTOCOPY OF THE ACKNOWLEDGMENT CERTIFICATE ISSUED ON 12.12.2023 BY THE DISTRICT INDUSTRIES CENTRE, KOTTAYAM.
ANNEXURE R2(a)	TRUE COPY OF THE LETTER NO. PCB/KTM/COMP/C433/2023 DATED 27-10-2023 ISSUED BY THE POLLUTION CONTROL BOARD.
ANNEXURE R2(b)	TRUE COPY OF THE CONSENT TO OPERATE, FILE NO. KSPCB/KT/ICO/10038380/2023 DATED 9-10-2023, WITH VALIDITY UPTO 30-9-2028, ISSUED BY THE POLLUTION CONTROL BOARD.

APPENDIX OF WP(C) 40249/2023

PETITIONER'S EXHIBITS:-

EXHIBIT P1	TRUE PHOTOCOPY OF THE RECEIPT DATED 04.08.2023 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P2	TRUE PHOTOCOPY OF THE CERTIFICATE OF CLEARANCE ISSUED BY THE POLLUTION CONTROL BOARD DATED 09.10.2023.
EXHIBIT P3	TRUE PHOTOCOPY OF THE REPORT NO.K.H1-5449/23 DATED 27.10.2023 PRODUCED BY THE MUNICIPALITY IN WP(C) NO.25737/2023.
EXHIBIT P4	TRUE PHOTOCOPY OF THE RECEIPT DATED 02.11.2023 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P5	TRUE PHOTOCOPY OF THE UDAYAM REGISTRATION CERTIFICATE DATED 23.02.2021.
EXHIBIT P6	TRUE PHOTOCOPY OF THE SINGLE WINDOW APPLICATION FORM FOR K-SWIFT DATED 21.08.2023.
EXHIBIT P7	TRUE PHOTOCOPY OF THE ACKNOWLEDGMENT CERTIFICATE ISSUED ON 12.12.2023 BY THE DISTRICT INDUSTRIES CENTRE, KOTTAYAM.

RESPONDENTS EXHIBITS:-

EXHIBIT R1(a)	A TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR LICENSE BEFORE THE 1ST RESPONDENT.
EXHIBIT R1(b)	A TRUE COPY OF THE COMMUNICATION NO. KH1-4794/23 DATED 23.08.2023 ISSUED TO PETITIONER BY THE SENIOR PUBLIC HEALTH INSPECTOR, KUMARANELLORE ZONE, KOTTAYAM MUNICIPALITY.
EXHIBIT R1(c)	A TRUE COPY OF THE ORDER NO. KH1/4794/23 DATED 06.12.2023 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT.