

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH.P.

TUESDAY, THE 12TH DAY OF MAY, 2020/22ND VAISAKHA, 1942

W.P(C) NO.9857 OF 2020

PETITIONER:

JOBIN SEBASTIAN,
MANAGING PARTNER, PEE JAY TREADS,
S/O. SEBASTIAN JOSEPH, AGED 37 YEARS,
PANAMTHANATHU HOUSE, ULLANADU P.O.,
ALAMATTOM, PALA - 686651.

BY ADVS. SRI. ROSHEN D. ALEXANDER,
SRI. THOMAS J. ANAKALLUNKAL,
SMT. TINA ALEX THOMAS AND
SRI. HARIMOHAN. M.

RESPONDENTS: :

1. KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, SRINIVASA IYER ROAD,
KOTTAYAM- 686 001,
REPRESENTED BY THE ENVIRONMENTAL ENGINEER.
2. ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, SRINIVASA IYER ROAD,
KOTTAYAM - 686 001.
3. BHARANANGANAM VILLAGE PANCHAYAT,
BHARANANGANAM P.O., KOTTAYAM-686 578.
REPRESENTED BY ITS SECRETARY.
4. DEPUTY SUPERINTENDENT OF POLICE,
PALA P.O., KOTTAYAM- 686 575.
5. TOWN PLANNING OFFICER,
OFFICE OF THE TOWN PLANNER,
KOTTAYAM- 686 002

6. JOSEPH THOMAS, S/O. LATE. THOMAS,
KAPPIL HOUSE, PRAVITHANAM,
ANTHIKKAD P.O., KOTTAYAM- 686 651.

R 4-5 BY SMT.VINITHA.B. GOVERNMENT PLEADER

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON
12.05.2020, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER

Admit.

2. The Standing Counsel for the Pollution Control Board accepts notice for respondents 1 and 2. Notice by speed post to respondent No.3. The petitioner to take steps to serve notice on the third respondent through E-Mail as well. The learned Government Pleader accepts notices for respondents 4 and 5.

3. The petitioner in this Writ Petition is the first respondent in W.P.(C) No.9687 of 2020. He challenges the direction issued by the Pollution Control Board prohibiting him from carrying out operations at his tyre retreading factory from 6 P.M. to 6 A.M. in the morning.

4. The learned counsel for the petitioner undertakes to serve a copy of the Writ Petition on Mr.Johnson Manayani who may, after obtaining instructions, enter appearance on behalf of the sixth respondent (who is the petitioner in W.P.(C) No.9687 of 2020). I

In the meanwhile, the petitioner will be permitted to operate his tyre retreading unit from 9 A.M. to 7 P.M. The official respondents shall ensure that the unit is not operated at any time other than the time permitted by this Court.

**GOPINATH.P.
JUDGE**

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APPENDIX

PETITIONERS EXTS.

EXHIBIT P1: TRUE COPY OF THE ACKNOWLEDGEMENT OF REGISTRATION OF FIRMS IN WHICH PEE JAY TREADS HAS BEEN REGISTERED WITH NO.1050/2015 DTD. 20.03.2015

EXHIBIT P2: TRUE COPY OF THE ORDER NO.C/956/2015/D.DISDTD. 15.07.2015

EXHIBIT P3: TRUE COPY OF THE CONSENT TO ESTABLISH ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD DTD. 27.07.2015

EXHIBIT P4: TRUE COPY OF THE CONSENT TO OPERATE ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD DTD. 05.10.2015

EXHIBIT P5: TRUE COPY OF THE D&O LICENSE BEARING NO.A2-2301/16 DTD. 19.04.2016

EXHIBIT P6: TRUE COPY OF THE EXTENDED D&O LICENSE BEARING NO.B1/5051/221/2019 DTD. 09.12.2019

EXHIBIT P7: TRUE COPY OF THE PHOTOGRAPH NO.1 SHOWING AERIAL DISTANCE BETWEEN PETITIONER'S UNIT TO 6TH RESPONDENT'S PROPERTY

EXHIBIT P7(A): TRUE COPY OF THE PHOTOGRAPH NO.2 SHOWING AERIAL DISTANCE BETWEEN PETITIONER'S UNIT TO 6TH RESPONDENT'S PROPERTY

EXHIBIT P7(B): TRUE COPY OF THE PHOTOGRAPH NO.3 SHOWING AERIAL DISTANCE BETWEEN PETITIONER'S UNIT TO 6TH RESPONDENT'S PROPERTY

EXHIBIT P8: TRUE COPY OF THE COMMUNICATION BEARING NO.PCB/KTO/CO/3585/2011 DTD. 16.11.2016

EXHIBIT P9: TRUE COPY OF THE COMMUNICATION BEARING NO.B3-3161/17 DTD. 23.06.2017 IS ISSUED BY THE SECRETARY OF PANCHAYAT 3RD RESPONDENT

EXHIBIT P10: TRUE COPY OF THE AMBIENT SOUND LEVEL MEASUREMENT CHECKED AND ISSUED BY A PRIVATE ENVIRONMENTAL CONSULTANT DTD. 14.11.2017

EXHIBIT P11: TRUE COPY OF THE REPRESENTATION DTD. 18.04.2018 SUBMITTED BEFORE THE 2ND RESPONDENT

EXHIBIT P12: TRUE COPY OF THE COMMUNICATION DTD. 23.12.2019 ISSUED BY THE SECRETARY OF THE 3RD RESPONDENT PANCHAYAT

EXHIBIT P13: TRUE COPY OF THE REPRESENTATION DTD. 18.03.2020 SENT BY THE PETITIONER THROUGH REGISTERED POST ON 15.04.2020

EXHIBIT P14: TRUE COPY OF THE PRINT OUT TAKEN FROM THE WEBSITE OF THE POSTAL DEPARTMENT SHOWING DELIVERY OF EXT.P13 ON 20.04.2020

EXHIBIT P15: TRUE COPY OF THE REVENUE RECOVERY NOTICE ON 12.03.2020

EXHIBIT P16: TRUE COPY OF THE G.O. (P) NO.64/2002 DTD. 20.04.2002 PUBLISHED VIDE SRO NO.280/2002