

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

WEDNESDAY, THE 13TH DAY OF MAY, 2020/23RD VAISAKHA, 1942

W.P(C) NO.9908 OF 2020

PETITIONERS

MASCOM STEEL (INDIA) PVT. LTD. HAVING ITS
REGISTERED OFFICE AT 1/117,
INDUSTRIAL DEVELOPMENT AREA, ERUMATHALA P.O.,
ALUVA, ERNAKULAM DISTRICT. PIN 683 105
REPRESENTED BY IITS MANAGING DIRECTOR
GEORGE ANTONY.

BY ADV. SRI.JOSE ABRAHAM,

RESPONDENTS :

1. EDATHALAGRAMAPANCHAYATH COMMITTEE,
EDATHALA NORTH P.O., ALUVA, ERNAKULAM
DISTRICT REPRESENTED BY ITS PRESIDENT.
PIN 683 564.
2. EDATHALAGRAMAPANCHAYATH,
EDATHALA NORTH P.O., ALUVA, ERNAKULAM
DISTRICT REPRESENTED BY ITS SECRETARY.
PIN 683 564.
3. DEPUTY DIRECTOR OF PANCHAYATHS,
OFFICE OF THE DEPUTY DIRECTOR OF PANCHAYATHS,
CIVIL STATION, KAKKANAD, ERNAKULAM.
PIN 682030.
4. DIRECTOR OF PANCHAYATHS, PANCHAYATH
DIRECTORATE, PUBLIC OFFICE BUILDING, MUSEUM P.O.,
THIRUVANANTHAPURAM. PIN 695033.
5. STATE OF KERALA REPRESENTED BY THE SECRETARY TO
THE LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT ANNEX1,
THIRUVANANTHAPRAM. PIN 695 001.

R1-2 BY

R3-5 BY SRI.K.P.HARISH GOVERNMENT PLEADER

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON
13.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

GOPINATH.P, J

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WP(C) NO. 9908 OF 2020

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DATED THIS THE 13th DAY OF May, 2020

ORDER

Admit.

Notice by speed post to respondent Nos.1 and 2. Petitioner shall endeavor to serve notice on the Secretary of the Edathala Gramapanchayat through email/whatsapp message. Government Pleader accepts notice for respondents 3, 4 and 5. I have heard Sri. Gracious Kuriakose, learned Sr. Counsel, instructed by Sri. Jose Abraham, Advocate for the petitioner.

The learned Sr. Counsel would point out that the decision taken by the Panchayat earlier, had been set aside by the Tribunal for Local Self Government Institutions, through Ext.P16 order dated 14.11.2019. I notice from Ext.P16 that there was a positive direction issued to the panchayat to renew the license in

favour of the petitioner. It appears that Ext.P16 order was challenged before this Court by the Panchayat by filing WP(c) No.1586/2020. By Ext.P17 judgment dated 24.01.2020, this Court dismissed WP(c) NO.1586/2020. Thus Ext.P16 order has become final. The learned Sr.Counsel would state that citing the very same reasons as was indicated earlier, the panchayat has now issued Ext.P22 order, again rejecting the application for license. Prima facie, I am convinced that the action of the Panchayat is not in accordance with law. Accordingly, there will be an interim order, staying the operation of Ext.P18 and Ext.P22 for a period of 2 months.

Post immediately after service of notice.

GOPINATH.P

JUDGE

Nsd

APPENDIX:

PETITIONERS EXTS.

EXT. P-1: TRUE COPY OF THE INTEGRATED CONSENT TO OPERATE-RENEWAL DATED 24/8/2015 ISSUED BY THE POLLUTION CONTROL BOARD.

EXT. P-2: TRUE COPY OF THE LICENSE DATED 29/11/2016 ISSUED BY THE DEPARTMENT OF FACTORIES AND BOILERS.

EXT. P-3: TRUE COPY OF THE CERTIFICATE OF APPROVAL DATED 31/10/2018 ISSUED BY THE DEPARTMENT OF FIRE AND RESCUE SERVICES.

EXT. P-4: TRUE COPY OF THE LICENSE ISSUED BY THE 2ND RESPONDENT PANCHAYATH TO THE PETITIONER'S UNIT.

EXT. P-5: TRUE COPY OF THE LICENSE ISSUED BY THE 2ND RESPONDENT PANCHAYATH TO THE PETITIONER'S UNIT VALID UP TO 31/3/2016.

EXT. P-6: TRUE COPY OF THE PANCHAYATH COMMITTEE DECISION NO. 2(11) DATED 15/6/2016.

EXT. P-7: TRUE COPY OF THE ORDER DATED 29/11/2018 IN APPEAL NO. 553/2016 PASSED BY THE HON'BLE TRIBUNAL.

EXT. P-8: TRUE COPY OF THE LICENSE RENEWAL APPLICATION DATED 17/2/2019 FOR 2017-2022.

EXT. P-9: TRUE COPY OF THE ORDER NO. B3-488/19 DATED 18/1/2019 ISSUED BY THE 2NDRESPONDENT.

EXT. P-10: TRUE COPY OF THE PANCHAYATH COMMITTEE DECISION NO. 3(1) DATED 22/1/2019.

EXT. P-11: TRUE COPY OF THE ORDER DATED 27/2/2019 IN APPEAL NO. 54/2019 PASSED BY THE TRIBUNAL.

EXT. P-12: TRUE COPY OF THE ORDER NO. B3-3085/2019 DATED 1/4/2019 PASSED BY THE 2ND RESPONDENT.

EXT. P-13: TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT. P-14: TRUE COPY OF THE PANCHAYATH COMMITTEE DECISION NO. 26/1 DATED 20/7/2019.

EXT. P-15: TRUE COPY OF THE ABOVE ORDER NO. B3-3085/2019 DATED 6/8/2019.

EXT.P-16: TRUE COPY OF THE ORDER DATED 14/11/2019 IN R.P.NO.83/2019 PASSED BY THE HON'BLE TRIBUNAL.

EXT. P-17: TRUE COPY OF THE JUDGMENT DATED 24/1/2020 PASSED BY THIS HON'BLE COURT IN W.P.(C) NO. 1586/2020.

EXT.P-18: TRUE COPY OF THE NOTICE NO. B3-488/19 DATED 2/3/2020.

EXT.P-19: TRUE COPY OF THE REPLY DATED 10/3/2020 ISSUED BY THE PETITIONER TO THE 2NDRESPONDENT.

EXT. P-20: TRUE COPY OF THE RECEIPT DATED ISSUED BY THE 2ND RESPONDENT EVIDENCING THE RECEIPT OF EXT. P-20.

EXT.P-21: TRUE COPY OF THE ODER NO. DDP-EKM/513/2020-C1 DATED 17/3/2020 ISSUED BY THE 3RD RESPONDENT.

EXT.P-22: TRUE COPY OF THE ORDER NO. B3-3085/2018 DATED 16/3/2020.

EXT.P-23 TRUE COPY OF THE CORRECTED CONSENT ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD DATED 18/4/2020