

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 05<sup>TH</sup> DAY OF MAY, 2020/15TH VAISAKHA, 1942

W.P(C) TMP NO.255 OF 2020

PETITIONER

MARYSADAN APG INFRA PVT. LTD.,  
HAVING ITS REGISTERED OFFICE AT  
NO.17/301/A, EDATHALA BUILDING,  
NEELEESWARAM P.O., KALADY, ERNAKULAM DISTRICT,  
AND THE UNIT IS FUNCTIONING AT V/823,  
DEVELOPMENT AREA, EDAYAR, MUPPATHADOM P.O.,  
ERNAKULAM DISTRICT, REPRESENTED BY ITS DIRECTOR,  
A.P. GEORGE, S/O.A.O. PAPPU, AGED 63 YEARS.

BY ADV.SRI. BABU S. NAIR

RESPONDENTS :-

1. THE KERALA STATE POLLUTION CONTROL BOARD,  
REPRESENTED BY ITS CHAIRMAN,  
HEAD OFFICE, THIRUVANANTHAPURAM, PIN - 695 004
2. THE ENVIRONMENTAL ENGINEER,  
KERALA STATE POLLUTION CONTROL BOARD,  
ENVIRONMENTAL SURVEILLANCE CENTRE,  
UDYOGMANDAL P.O., ERNAKULAM DISTRICT, PIN - 683 501

R1-2 BY SMT.VINEETHA B, GOVERNMENT PLEADER

THIS WRIT PETITION HAVING COME UP FOR ORDERS ON 05.05.2020,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**BECHU KURIAN THOMAS, J**

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**WP(C) TMP NO. 255 OF 2020**

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**DATED THIS THE 5<sup>th</sup> DAY OF May, 2020**

**ORDER**

The standing counsel for the Pollution Control Board, Sri. T. Naveen, takes notice on behalf of respondents 1 and 2. The 2<sup>nd</sup> respondent had issued Ext.P3 stop memo on 10.02.2020 which was challenged before this Court in WP(c) No. 3923 of 2020. This Court found that condition No. 5.6 and 5.9 are to be rectified immediately while the other conditions that were breached can be rectified within a reasonable time.

2. It is contention of the learned counsel for the petitioner that they had rectified every condition that was alleged to have been breached and letters Ext.P5 and P6 were submitted to the 2<sup>nd</sup> respondent who, pursuant to the letters, had carried out an inspection and was satisfied about the compliance with the rectification works. It is his case, however, that till date the stop memo has not been withdrawn, which is

actually causing great prejudice to him, especially since after the withdrawal of the lockdown, he has not been able to commence his industry.

3. Prima facie, I am satisfied that the petitioner has complied with the rectification works as directed, especially since there is no contra indication from the side of the 2<sup>nd</sup> respondent, even after repeated intimation of compliance and carrying out of rectification works. In such circumstances, the petitioner shall be entitled to commence his operation notwithstanding Ext.P3. However, in case the 2<sup>nd</sup> respondent finds any of the conditions as having been breached, he is at liberty to carryout an inspection and issue appropriate orders in accordance with law.

Post this WP(c) for further consideration in the 2<sup>nd</sup> week of June.

APPENDIX

PETITIONERS EXTS:

EXHIBIT P1:- COPY OF THE CONSENT OBTAINED BY THE PETITIONER FROM THE 2<sup>ND</sup> RESPONDENT DATED, 2-11-2019.

EXHIBIT P2:- COPY OF THE INTERIM ORDER ISSUED BY THE HON'BLE COURT IN W.P. (C)NO.1252/2020 DATED, 16-1-2020.

EXHIBIT P3:- COPY OF THE ORDER ISSUED BY THE 2<sup>ND</sup> RESPONDENT DATED, 10-2-2020 AS PCB/ICO/019ERR500877/19.

EXHIBIT P4:- COPY OF THE JUDGMENT DATED, 17-2-2020 IN W.P. (C)NO.3923/2020 OF THIS HON'BLE COURT.

EXHIBIT P5:- COPY OF THE LETTER ISSUED BY THE PETITIONER TO THE 2<sup>ND</sup> RESPONDENT DATED, 24-2-2020.

EXHIBIT P6:- COPY OF THE LETTER ISSUED BY THE PETITIONER TO THE 2<sup>ND</sup> RESPONDENT DATED, 25-2-2020.

EXHIBIT P7:- COPY OF THE WORK ORDER ISSUED TO THE SISTER CONCERN OF THE PETITIONER DATED, 21-2-2019.

EXHIBIT P8:- COPY OF THE WORK ORDER ISSUED TO THE SISTER CONCERN OF THE PETITIONER DATED, 24-01-2019.

EXHIBIT P9:- COPY OF THE WORK ORDER ISSUED TO THE SISTER CONCERN OF THE PETITIONER DATED, 25-01-2019.

EXHIBIT P10:- COPY OF THE WORK ORDER ISSUED TO THE SISTER CONCERN OF THE PETITIONER DATED, 28-09-2019.

EXHIBIT P11:- COPY OF THE WORK ORDER ISSUED TO THE SISTER CONCERN OF THE PETITIONER DATED, 29-06-2019 AS ISO/MOE-5/8627/19.

EXHIBIT P12:- COPY OF THE WORK ORDER ISSUED TO THE SISTER CONCERN OF THE PETITIONER DATED, 29-06-2019 AS ISO/MOE-5/8626/19.