

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 6TH DAY OF APRIL 2022 / 16TH CHAITHRA, 1944

WP(C) NO.9800 OF 2022

PETITIONER :-

SALINI P.S., AGED 47 YEARS
W/O. SUDEESH KUMAR S.S., T.C. 52/519(3) SHREE SHYLAM,
STUDIO ROAD, NEMOM P.O., THIRUVANANTHAPURAM-20.

BY ADVS.
A.CHANDRA BABU
AVIJITH A.V
PREJITHA S.SALIM

RESPONDENTS :-

- 1 STATE OF KERALA REPRESENTED BY ITS SECRETARY,
ANIMAL HUSBANDRY AND DAIRY DEVELOPMENT,
GOVERNMENT SECRETARIAT, STATUE,
THIRUVANANTHAPURAM-695 001.
- 2 THE DIRECTOR,
DIRECTORATE, DAIRY DEVELOPMENT DEPARTMENT,
PATTOM PALACE P.O., THIRUVANANTHAPURAM-695 004.
- 3 THE SECRETARY,
CORPORATION OF THIRUVANANTHAPURAM, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.
- 4 THE HEALTH INSPECTOR,
CORPORATION OF THIRUVANANTHAPURAM, NEMOM ZONAL OFFICE,
NEMOM P.O., THIRUVANANTHAPURAM-695 020.
- 5 KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS ENVIRONMENTAL ENGINEER, TC NO.1296,
PLAMOODU JUNCTION, PATTOM, THIRUVANANTHAPURAM.

BY ADVS.
P.K.MANOJKUMAR
N.NANDAKUMARA MENON (SR.) (N-24)
SMT.VINITHA B-SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 6th day of April, 2022

This writ petition is filed challenging Ext.P9 order and Ext.P10 notice issued by the Corporation. It is submitted by the learned counsel for the petitioner that the contentions raised in Ext.P9 are not correct and that the petitioner has rectified the defects noticed in Ext.P9. It is further submitted that no copy of the order rejecting the petitioner's appeal has been served.

2. The learned Standing Counsel appearing for the Pollution Control Board submits that orders have been passed rejecting the application submitted by the petitioner for consent on 28.6.2021.

In the above view of the matter, I am of the opinion that since the question whether the deficiencies made mention of in Ext.P9 have been rectified by the petitioner is a factual dispute, this writ petition cannot be entertained by this Court directly. In case the petitioner has any contention with regard to the legality of Ext.P9 or Ext.P10, it is for the petitioner to approach the Tribunal for Local Self Government Institutions.

If a copy of the order has not been communicated to the petitioner, the same shall be communicated by the Corporation to enable the petitioner to file an appeal.

This writ petition is ordered accordingly.

**Sd/-
ANU SIVARAMAN
JUDGE**

Jvt/8.4.2022

APPENDIX OF WP(C) 9800/2022

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE RELEVANT PAGES OF THE GOVERNMENT ORDER.
- Exhibit P2 TRUE COPY OF THE PHOTOGRAPH OF CATTLE SHED.
- Exhibit P3 TRUE COPY OF THE PHOTOGRAPH OF COW DUNG PIT.
- Exhibit P4 TRUE COPY OF THE PHOTOGRAPH THE WASTE WATER TANK.
- Exhibit P5 TRUE COPY OF THE PHOTOGRAPH OF FULLY COVERED DUNG TRAYER SHED.
- Exhibit P6 TRUE COPY OF THE PHOTOGRAPH OF SEPTIC TANK.
- Exhibit P7 TRUE COPY OF THE PHOTOGRAPH BIO GAS PLANT.
- Exhibit P8 TRUE COPY OF THE STANDARD OPERATING PROCEDURE ADOPTED BY THE 5TH RESPONDENT WITH RESPECT TO CATTLE FARM DATED 15/12/2020.
- Exhibit P9 TRUE COPY OF THE ORDER VIDE NO. ZNH/6816/2020, DATED 02/11/2021 PASSED BY THE 4TH RESPONDENT.
- Exhibit P10 TRUE COPY OF THE NOTICE VIDE NO. ZN5/6816/200 DATED 16/03/2022 ISSUED BY THE 4TH RESPONDENT.