

K.J.Joseph vs The Environmental Engineer on 29 April, 2022

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
FRIDAY, THE 29TH DAY OF APRIL 2022 / 9TH VAISAKHA, 1944
W.P.(C) NO.14928 OF 2022

PETITIONER:

K.J. JOSEPH,
AGED 50 YEARS, S/O. LATE K.M. JACOB,
RESIDING AT KONNOTH HOUSE,
MUNDAMVELI P.O., KOCHI-682 507.

BY ADV. C.G. PREETHA

RESPONDENTS:

- 1 THE ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD DISTRICT OFFICE-I,
ERNAKULAM GANDHI NAGAR, KOCHI, PIN-682 020.
- 2 IGNATIOUS K.J.,
AGED 58 YEARS, S/O. K.I. JOHN,
KOLLAMPARAMBIL, MUNDAVELI P.O.,
KOCHI , PIN-682 507.

BY ADV. SRI. T. NAVEEN STANDING COUNSEL,
KERALA STATE POLLUTION CONTROL BOARD

SRI.N.N SUGUNAPALAN (SR.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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W.P.(C) NO.14928 OF 2022

JUDGMENT

The petitioner, the proprietor of a bakery, has filed this writ petition challenging Ext.P12 order passed by the 1 st respondent withdrawing the consent to operate issued in favour of the petitioner.

2. On going through the averments in the writ petition and hearing the learned Standing Counsel for the 1 st respondent, I deem it appropriate to direct the petitioner to file an appeal against Ext.P12 along with an application for interim relief including staying of the order in question within one week from today. The appellate authority shall pass orders on the stay petition if as expeditiously as possible, after hearing the petitioner. Till orders are passed and communicated to the petitioner, the operation of Ext.P12 will be kept in abeyance.

The writ petition is disposed of accordingly.

Sd/-

MOHAMMED NIAS C.P. JUDGE bpr W.P.(C) NO.14928 OF 2022 APPENDIX PETITIONER'S EXHIBITS EXHIBIT P1 THE DESIGNATED OFFICER APPOINTED UNDER SECTION 36 OF THE FOOD SAFETY AND STANDARDS ACT, 2006 DATED 18.01.2022.

EXHIBIT P2 TRADE LICENSE ISSUED BY THE COCHIN CORPORATION IN FAVOUR OF THE DEPONENT FOR RUNNING THE BAKERY UNIT FOR THE PERIOD 2021- 2022.

EXHIBIT P3 RECEIPT EVIDENCING PAYMENT OF REQUIRED FEE FOR THE RENEWAL OF THE TRADE LICENCE FOR THE PERIOD 2022-2023 DATED 23.02.2022. EXHIBIT P4 THE CONSENT TO OPERATE IS PRESENTLY VALID UPTO 30.11.2025.

EXHIBIT P5 THE COMMUNICATION ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT DATED 03.01.2022. EXHIBIT P6 REPLY SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT DATED 10.01.2022.

EXHIBIT P7 COMMUNICATION ISSUED BY THE 1ST RESPONDENT AND ADDRESSED TO THE PETITIONER DATED 28.01.2022.

EXHIBIT P8 SHOW CAUSE NOTICE ISSUED TO THE PETITIONER BY THE POLLUTION CONTROL BOARD DATED 18.02.2022.

EXHIBIT P9 REPLY LETTER SENT BY THE PETITIONER AND ADDRESSED TO THE POLLUTION CONTROL BOARD DATED 24.02.2022.

EXHIBIT P10 REPORT WITH DOCUMENTS DATED 15.09.2021 FILED BY THE 1ST RESPONDENT IN WP(C) NO. 15231 OF 2021 ON THE FILE OF THIS HON'BLE COURT. EXHIBIT P11 COMMUNICATION ISSUED BY THE 1ST RESPONDENT AND ADDRESSED TO THE PETITIONER DATED 04.04.2022.

EXHIBIT P12 THE TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT AND ADDRESSED TO THE PETITIONER DATED 25.04.2022.