



2025:KER:12107

WP(C) No.3611 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 13TH DAY OF FEBRUARY 2025 / 24TH MAGHA, 1946

WP(C) NO. 3611 OF 2025

PETITIONER/S:

ARJUN B.G.,
AGED 31 YEARS
S/O BHASKARAN, ANUGRAHAM, KAMBALAKKAD P.O, KARIMBETTA,
WAYANAD, PIN - 673122

BY ADVS.
JOMY K. JOSE
MUHAMMED ANSHIF T.K.

RESPONDENT/S:

- 1 VELINALLOOR GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY, OYOOR P.O, KOLLAM, PIN - 691510
- 2 THE SECRETARY
VELINALLOOR GRAMA PANCHAYAT, OYOOR P.O, KOLLAM, PIN - 691510
- 3 THE PANCHAYAT COMMITTEE
REPRESENTED BY PRESIDENT VELINALLOOR GRAMA PANCHAYAT,
OYOOR P.O, KOLLAM, PIN - 691510
- 4 ENVIRONMENTAL ENGINEER KOLLAM
KERALA STATE POLLUTION CONTROL BOARD, USHAS BUILDING,
ANDAMUKKAM, KOLLAM, PIN - 691001
- 5 DISTRICT LEVEL FACILITATION AND MONITORING COMMITTEE
REPRESENTED BY ITS CHAIRMAN, COLLECTORATE, CIVIL
STATION ROAD, KOLLAM, PIN - 691013
- 6 STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT, LOCAL
SELF GOVERNMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 7 RATHEESH
SON OF RAJENDRAN, RATHEESH VILASAM, BHARATHIPURAM P.O.
AND VILLAGE, EROOR TALUK, KOLLAM DISTRICT
- 8 NIZAR M,



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S/O. MUHAMMED ISMAIL, PALLIPADINJATHIL VEEDU,
VATTAPPARA, CHERIYAVELINALLOOR P O,

9 SHAHABAZ,
S/O. BADAR SAMAN, SHEHBAS MANZIL, KARAKKAL, ARKANOOR P
O, KOLLAM

[RESPONDENTS 7 TO 9 ARE IMPEADED AS PER ORDER IN
I.A.NO.1/2025 IN W.P(C)NO.3611 OF 2025 ON 13.02.2025]

10 YUSUF PLAMUTTAM,
,SLO. USMAN, CHERIYAVELINELLOOR P0, KOLLAM, 691516

11 **REJI M**
SON OF MASOOD, FIDHA MANZIL, ROAD VILA, VELLINALLOOR,
KARINGANNUR, KOLLAM

12 NAZEEMA BEEVI S
WIFE OF BADHARUDHEEN, SUMAYYA MANSIL, MULAYARACHAL
CHERIYAVELINALLOOR, VELINALLOOR, KOLLAM

13 SHEEJA
WIFE OF BADARSAMAN, SHABBAS MANZIL, KARAKKAL, ARKKANOOR
P.O., VELINALLOOR, AYUR, KOLLAM
[RESPONDENTS 10 TO 11 ARE IMPEADED AS PER ORDER DATED
13.02.2025 IN I.A.NO.3/2025]

BY ADVS.
P CHANDRASEKHAR
P.M ZIRAJ
C.RAMAN
ANOOP KRISHNA
ANAND SANKAR
FARHANA KABEER
JENNY THANKAM
IRFAN ZIRAJ

OTHER PRESENT:

SHRI.S.BIJU, SC, SMT.AMMINIKUTTY.K,
SR.G.P,SHRI.T.NAVEEN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



J U D G M E N T

The petitioner is conducting a manufacturing unit of animal feeds, dog feeds, and fertilizers from chicken waste. The challenge raised in this writ petition is against Ext.P13 decision taken by the Committee of the 1st respondent Panchayat and Ext.P14 order passed by the 2nd respondent, Secretary to the Panchayat, as part of implementation of the decision in Ext.P13.

2. The basic issue involved in this writ petition pertains to the cancellation of the trade licence issued to the petitioner for running the establishment. According to the petitioner, the licence itself was granted to the petitioner under the provisions of Sec.232 of Panchayath Raj Act read with the provisions in "Kerala Panchayat Raj (Issue of Licence to Factories, Trades, Entrepreneurship Activities and Other Services) Rules, 1996, after several rounds of litigations, as evidenced by Ext.P9 judgment. Ext.P2 is the trade licence so issued to the petitioner. Thereafter, apparently on getting certain complaints from the local people, certain proceedings were initiated against the petitioner's unit and as a part of the same, the matter was discussed by the Committee of the 1st respondent Panchayath and ultimately Ext.P13 decision was taken, to cancel the license. Accordingly, the 2nd respondent



Secretary issued Ext.P14, provisionally cancelling the license issued to the petitioner and requiring the petitioner to cure the defects highlighted therein and report the matter to the Secretary. This writ petition is submitted by the petitioner challenging the same.

3. Heard Sri.Jomy K. Jose, the learned counsel for the petitioner, Shri.S.Biju, the learned Standing Counsel for the 1st , 2nd and 3rd respondents, Sri. T.Naveen, the learned Standing Counsel for 4th respondent, Smt. Amminnikutty the learned Government pleader appearing for the 5th and 6th respondents, Shri.P. Chandrasekhar, learned counsel appearing for the additional respondents 7 to 9 and Sri.P.M Ziraj, the learned counsel appearing for the additional 10th respondent,

4. All the respondents have stoutly opposed the reliefs sought by the petitioner. The learned Standing Counsel for the Panchayat submitted that, during the inspections, subsequently conducted after the issuance of the license, several discrepancies were noted and there is a huge outcry from the local people, as to the nuisance caused from the functioning of the unit of the petitioner. It was in these circumstances, the proceedings which culminated in Exts.P13 and P14 were issued. The learned Standing Counsel also made available the details regarding the inspections



conducted, and also a joint inspection conducted by the Kollam Suchithwa Mission and the Pollution Control Board, on 07.01.2025 and the report submitted by them, highlighting certain deficiencies in the unit of the petitioner. The learned Counsels appearing for the additional respondents have also raised similar contentions. The learned counsel for the 10th respondent highlighted that the petitioner did not obtain any license under the provisions of Kerala Livestock Feed, Poultry Feed and Mineral Mixture (Regulation of Manufacture, Storage, Distribution, Sale and Quality Assurance) Act, 2023 (27 of 2023). It was pointed out that, as per Sec.5 of the same, no person shall manufacture, store, distribute or sale, livestock feed, poultry feed or mineral mixture unless he holds a valid license obtained under this Act by filing an application in such manner complying such conditions and on payment of such fees as may be prescribed. Therefore, it was pointed that the petitioner has not obtained the said license, and hence he cannot continue the activities as such.

5. I have carefully gone through the records. The main contention raised by the learned counsel for the petitioner is based on the inherent defects in Ext.P13 and P14, as according to him, the same does not satisfy the statutory requirements as contemplated under Rule 25 of the Kerala Panchayath Raj (Issue of Licence to



Factories, Trades, Entrepreneurship activities and other services) Rules, 1996, (hereinafter referred to as Rules, 1996). On carefully going through the Exts.P13 and P14 and also examining the statutory stipulations contemplated in Rule 25, I find merits in the said contention.

6. Evidently, Ext.P14 was issued on the basis of a decision taken by the 3rd respondent committee of the Panchayath as evidenced by Ext.P13. In Ext.P14, it is specifically mentioned that the proceedings were initiated invoking the powers under Rule 25 of the Rules, 1996. As far as Rule 25 is concerned, it is to be noted that the same deals with the manner in which a license can be cancelled, which reads as follows:

'The President may, if he is convinced that any of the conditions of the licence has been violated or if a Court of Law has convicted the licensee under the protection of Civil Rights Act, 1955 (Central Act 22 of 1955) and that the offence has been committed in respect of any matter connected with the licence, cancel the licence issued.'*

7. Going by the same, it is evident that, the authority to invoke the powers under Rule 25 is vested upon the President of the Panchayat and same can be invoked by him, if he is convinced that any of the conditions of the licence has been violated or if a Court of Law has convicted the licensee under the protection of Civil Rights Act, and that the offence has been committed in



respect of any matter connected with the license. However, in this case, the impugned order or initiation of proceedings pursuant to the same, were not issued by the President, who is the authority contemplated under Rule 25. The decision was taken by the Panchayat Committee as evidenced by Ext.P13, and the impugned order, even though in the nature of a provisional order cancelling the license, was issued by the Secretary of the Panchayath. Rule 25 does not contemplate any powers upon either of the said authorities and hence the same cannot be treated as a valid order.

8. Apart from the above, it is evident from the contents of the Ext.P14 notice that, the said order was passed without issuing any notice to the petitioner and without affording him an opportunity for being heard. Thus, the same is liable to be interfered with on that reason also as it is issued in violation of the principles of natural justice.

9. While considering this question, it is to be noted that, earlier when a similar situation arose and proceedings were initiated against the petitioner, this Court interfered in the matter as per Ext.P9 judgment. In Ext.P9 judgment also, it was categorically observed that the decision of the Panchayat to initiate proceedings which was the subject matter of Ext.P9 judgment, was taken by the committee, despite the fact that,



the decision taken therein ought to have been taken by the Secretary after independently applying his mind. Therefore, the said proceedings were found to be invalid. In Ext.P9 judgment, this Court noticed that, the order was passed against the petitioner without giving the petitioner opportunity of being heard and thus was of the violation of natural justice. In this case, despite such a finding by this court, a further proceedings have been initiated against the petitioner in total deviation of the statutory stipulations and also without hearing the petitioner. Therefore, I do not find any justification in upholding impugned orders in Ext.P13 and P14.

10. It is true that the respondents have highlighted their grievances with regard to the pollution and other nuisances caused to the local people. However, I am of the view that, it is not necessary for this Court to go into those aspects in this writ petition at this juncture, since the interference is made in Exts.P13 and P14 only on the ground of the non-compliance of statutory requirements as contemplated under Rule 25 of the Rules, 1996. It shall be open for the Panchayath to initiate appropriate proceedings by following the legal proceedings and invoking the powers vested upon the Panchayath and the authorities under it, under appropriate provisions.



11. As far as the contention regarding the learned counsel for the 10th respondent relating to the requirement of the license under Kerala Livestock Feed, Poultry Feed and Mineral Mixture (Regulation of Manufacture, Storage, Distribution, Sale and Quality Assurance) Act, 2023 is concerned, it is submitted by the learned Govt. Pleader upon instructions that, even though the Act is notified, as of now, the authorities including licensing authority for the enforcement of the provisions of the Act are not notified so far and the Rules under the Act are also not brought into force. Therefore, I do not find that lack of license under the said Act by itself can be a ground, when it comes to question of granting or rejecting the license of the petitioner under the provisions of the Rules 1996.

In such circumstances, this writ petition is disposed of, quashing Exts.P13 and P14 without prejudice to the right of the respondents herein, to invoke their remedies or to initiate appropriate proceedings in accordance with law.

Sd/-

**ZIYAD RAHMAN A.A.
JUDGE**

APPENDIX OF WP(C) 3611/2025**PETITIONER EXHIBITS**

- Exhibit P1** A TRUE COPY OF THE CONSENT TO OPERATE ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD, VIDE CONSENT NO. KSPCB/KL/ICO/1009408/2022 DATED 22.09.2022,
- Exhibit P2** A TRUE COPY OF THE LICENSE ISSUED BY VELINELLOOR GRAMA PANCHAYAT, KOLLAM, DATED 17.07.2024,
- Exhibit P3** A TRUE COPY OF THE PERMISSION ISSUED BY THE DISTRICT LEVEL FACILITATION AND MONITORING COMMITTEE, KOLLAM DISTRICT, VIDE NO. DSM/KLM/TC/GENERAL-01-1652/2024 DATED 16.04.2024
- Exhibit P4** A TRUE COPY OF THE LICENSE ISSUED BY THE DEPARTMENT OF FACTORIES AND BOILERS DATED 09.01.2023, VIDE REGISTRATION NO. D03/KUR/11/522/2023,
- Exhibit P5** A TRUE COPY OF THE NO-OBJECTION CERTIFICATE ISSUED BY THE STATION OFFICER, FIRE RESCUE STATION, KOTTARAKKARA, VIDE NO. FRSKTR/134/2024-C DATED 25.04.2024,
- Exhibit P6** A TRUE COPY OF THE JUDGMENT IN W.P.(C). NO. 17662/2021 DATED 26.10.2021
- Exhibit P7** A TRUE COPY OF THE JUDGMENT IN W.P.(C). NO. 40514/2022 DATED 16.01.2023
- Exhibit P8** A TRUE COPY OF THE JUDGMENT IN W.A. NO. 763/2023 DATED 12.04.2023
- Exhibit P9** A TRUE COPY OF THE JUDGMENT DATED 07.06.2024 IN W.P.(C). NO. 31506/2023 AND CONNECTED CASES
- Exhibit P10** A TRUE COPY OF THE MINUTES OF THE MEETING DATED 26.09.2024 CONDUCTED BY THE CHAIRMAN,



DISTRICT LEVEL MONITORING COMMITTEE, KOLLAM

- Exhibit P11** **A TRUE COPY OF THE REPORT OF THE EXPERT COMMITTEE DATED 07.10.2024**
- Exhibit P12** **A TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT SECRETARY, VELINELLOOR GRAMA PANCHAYAT, DATED 18.01.2025, VIDE ORDER NO. 400334/RPTL19/GPO/2025/135 (2)**
- Exhibit P13** **A TRUE COPY OF THE DECISION OF THE PANCHAYAT COMMITTEE DATED 18.01.2025, IN DECISION NO. II(1) ,**
- Exhibit P14** **A TRUE COPY OF THE ORDER DATED 27.01.2025, VIDE ORDER NO. SP1-1219/2024**
- Exhibit P15** **A TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER TO TAKE PHYSICAL POSSESSION OF THE PETITIONER'S PROPERTY IN CMP NO. 4292/2024**
- Exhibit P16** **A TRUE COPY OF THE INTERIM ORDER IN CON. CASE (C) . NO. 3285/2024 OF THIS HON'BLE COURT DATED 13.12.2024, ISSUING NOTICE TO NIZAR M.**
- RESPONDENT ANNEXURES**
- Annexure R7(a)** **A TRUE COPY OF THE SAID BILLS DATED SO19/11/2024 ETC EVIDENCING THE SAME ARE PRODUCED**
- Annexure R7(b)** **. A TRUE COPY OF THE SHOW CAUSE NOTICE DATED 10.12.20204 ISSUED BY THE STATE POLLUTION CONTROL BOARD TO THE WRIT PETITIONER**
- Annexure R7(c)** **THE TRUE COPY OF THE PHOTOGRAPHS SHOWING THE SAME IS PRODUCED**
- Annexure R7(d)** **A TRUE COPY OF THE ORDER DATED 14.07.2023 OF THE LAND BOARD, KOTTARAKKARA TALUK**
- Annexure R7(e)** **A TRUE COPY OF THE COMPLAINT DATED NIL DREFERRED TO THE DISTRICT POLLUTION CONTROL BOARD BY THE LOCAL RESIDENTS**



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Annexure R7(f) **A TRUE COPY OF THE COMPLAINT DATED NIL
PREFERRED TO THE DISTRICT MEDICAL OFFICER BY
THE LOCAL RESIDENTS**

Annexure R7(g) **A TRUE COPY OF THE COMPLAINT DATED NIL
PREFERRED TO THE DISTRICT COLLECTOR BY THE
LOCAL RESIDENTS**

AnnexureR7(h) **A TRUE COPY OF THE NEWS PAPER REPORT DATED
05.09.203 PUBLISHED IN MANORAMA DAILY IS
PRODUCED**

PETITIONER EXHIBITS

Exhibit P17 **A TRUE COPY OF THE JOINT INSPECTION REPORT,
DATED NIL**

Exhibit P18 **A TRUE COPY OF THE PROCEEDINGS ISSUED BY THE
6TH RESPONDENT, DATED 06- 02-2025, VIDE ORDER
NO. DSM/KLM/TC/GENERAL-01/2024**