

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C). No.2875 of 2006 (P)

PETITIONER(S):

**ABDUL MAJEED, S/O.ALAVIKUTTY,
AGED 55 YEARS, THANIPATTA HOUSE, SHAPPINKUNNU,
PULPATTA, MANJERI, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S):

- 1. THE DISTRICT COLELCTOR,
MALAPPURAM.**
- 2. THE SENIOR ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD, MALAPPURAM.**
- 3. THE DISTRICT MEDICIAL OFFICER,
MANJERI, MALAPPURAM DISTRICT.**
- 4. THE GEOLOGIST, DEPARTMENT OF MINING
AND GEOLOGY, MANJERI, MALAPPURAM DISTRICT.**
- 5. V.P.ALAVIKUTTY, S/O.MOOSAN,
VATTAPPARAMBIL HOUSE, SHAPPINKUNNU, MANJERI
MALAPPURAM DISTRICT.**
- 6. THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION, MALAPPURAM DISTRICT.**

**R2 BY ADVS. SRI.BABU JOSEPH KURUVATHAZHA,SC,POLLU.C.BOARD
SRI.M.K.CHANDRA MOHANDAS,SC,POLL.C.BOARD**

BY GOVERNMENT PLEADER SRI.SOJAN JAMES

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

- P1:- COPY OF THE COMMUNICATION ISSUED FROM THE P.P.UNIT, DISTRICT HOSPITAL, MANJERI TO THE HEALTH INSPECTOR, PUBLIC HEALTH, TRIPANACHI DATED 5.1.2006.
- P2:- COPY OF THE REPORT OF THE HEALTH INSPECTOR OF P.H.C, TRIPANACHI DATED 18.1.2006.
- P3:- COPY OF CERTIFICATE ISSUED BY THE CIVIL SURGEON AND E.N.T.SPECIALIST, DISTRICT HOSPITAL, MANJERI DATED 18.1.2006.
- P4:- COPY OF THE DISABILITY CERTIFICATE ISSUED IN RESPECT OF THE PETITIONER'S SON DATED 19.10.2000.
- P5:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE THIRD RESPONDENT DATED 25.1.2006.
- P6:- COPY OF THE RECEIPT ISSUED BY THE THIRD RESPONDENT DATED 25.1.2006.

RESPONDENTS' EXHIBITS:- NIL

KRJ

//TRUE COPY//

P.A TO JUDGE

A.V.RAMAKRISHNA PILLAI, J.

= = = = =

W.P(C) No.2875 of 2006

= = = = =

Dated this the 20th day of November, 2015

JUDGMENT

The petitioner alleges that he and his family are facing very pathetic situation as the entire family were suffering from various diseases on account of to the dust and sound pollution caused due to the functioning of the quarry by the 5th respondent very close to his residence.

2. The petitioner alleges that illegal quarrying activities are being conducted round the clock and due to the sound and dust pollution emanated from the quarry, his wife was infected with several diseases. Hence she is under the continuous treatment for the last more than two months. The petitioner further alleges that when his wife was taken to the District Hospital, Manjeri, the E.N.T Specialist by Ext.P1 directed the concerned Health Inspector to conduct an inspection in the premises and take necessary steps to avert the pollution. Accordingly, the Health Inspector had submitted Ext.P2 report saying that the laterite quarry is functioning very near to the residence of the petitioner i.e. 10 metres from and due to the dust and sound pollution, his wife was infected with all diseases.

3. The petitioner points out that his son is a physically handicapped having 40% of permanent disability and he was not able to move around with the help of another person. The petitioner filed Ext.P5 presentation before the third respondent. Even the well water in his house has become contaminated and the same has become unfit for consumption; it is alleged. It is with this background, the petitioner has approached this Court.

4. This Court by interim order 1.1.2006 directed the 4th respondent to enquire into the allegation of the petitioner that the 5th respondent is running quarry without any quarrying permit and if the said allegation was found correct, the said respondent should take steps to stop the unauthorised quarrying.

As the very purpose sought to be achieved by filing of this writ petition has been served by the interim order, this writ petition is closed making the interim order dated 31.1.2006 absolute.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

krj