

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C) .No. 3877 of 2012 (H)

PETITIONER(S) :

A.THOMAS,
IMMACON, MARUTHADY P.O.,
KOLLAM-691 003.

BY ADVS.SRI.S.SANTHOSH KUMAR
SMT.P.LISSY JOSE.

RESPONDENT(S) :

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1. THE KOLLAM CORPORATION,
REPRESENTED BY ITS SECRETARY,
KOLLAM-691 001.
 2. THE SECRETARY,
KOLLAM CORPORATION, KOLLAM-691001.
 3. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, KOLLAM-691 008.
 4. PAULIN RODRIGOZ,
PALUVILA VADAKETHIL, MARUTHADY P.O.,
KOLLAM-691 003.

R1-R2 BY SRI.M.K.CHANDRA MOHAN DAS, SC, KOLLAM MPT,
R3 BY SRI.M.R.ARUNKUMAR, SC, POLLUTION CONTROL BOARD,
BY SRI.M.K.CHANDRA MOHAN DAS, SC, KOLLAM MPT &
BY SRI.M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ivs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1: COPY OF THE PETITION DATED 23/06/2011 FILED BEFORE THE
2ND RESPONDENT.
- EXT. P2: COPY OF THE LETTER DATED 14/10/2011 OF THE PUBLIC
INFORMATION OFFICER, KOLLAM CORPORATION.
- EXT. P3: COPY OF THE COMPLAINT DATED 24/11/2011 FILED BEFORE THE
2ND RESPONDENT.
- EXT. P4: COPY OF THE COMPLAINT DATED 26/12/2011 FILED BEFORE THE
2ND RESPONDENT.
- EXT. P5: COPY OF THE COMPLAINT DATED 03/02/2012 FILED BEFORE THE
CHAIRPERSON OF THE 1ST RESPONDENT CORPORATION.
- EXT. P6: COPY OF THE PETITION DATED 03/02/2012 FILED BEFORE THE
3RD RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V.RAMAKRISHNA PILLAI, J

WPC No.3877 of 2012

Dated this the 5th day of March, 2015

JUDGMENT

Alleging inaction on the part of respondents 1 and 2 which facilitated the 4th respondent to function an industrial unit, which, according to the petitioner, is causing severe industrial pollution and health hazards, the petitioner has come up before this Court.

2. The petitioner is a resident of Division No.55 of Kollam Corporation. The 4th respondent and her husband had constructed a shed in her property with a view to set up a spray painting unit. The unauthorised construction was prohibited by the Kollam Corporation on Ext.P1 petition dated 23.6.2011 filed by the petitioner and as evidenced in Ext.P2 letter issued by the Public Information Officer of Kollam Corporation.

3. The petitioner alleges that in violation of the prohibitory order, the 4th respondent has again constructed a shed attached to her house and started a spray painting unit in November 2011. The spray painting unit is set up very close to

the residential house of the petitioner and is functioning without taking any license from the Corporation or obtaining any clearance from the 3rd respondent, Pollution Control Board.

4. The petitioner alleges that the spray painting unit which produces poisonous gaseous emission is a pollution causing industry which can be established and run only under clearance from the Pollution Control Board and following the safety norms prescribed for the said industry. The 4th respondent is also bound to obtain license under the Kerala Municipality Act, 1994 for establishing and running a spray painting unit. The 4th respondent has not obtained any license from the Corporation or clearance from the Pollution Control Board; it is alleged.

5. The petitioner alleges that the spray painting unit run in the shed without following any safety measures is causing severe pollution and consequent health hazards to the petitioner and his family members. The petitioner had filed Ext.P3 complaint dated 24.11.2011 and Ext.P4 complaint dated 26.12.2011 before the 2nd respondent requesting to take immediate coercive action to close down the unit. When no action was taken by the 2nd respondent, the petitioner was compelled to file Ext.P5 complaint dated 3.2.2012 before the

Chairperson of the 1st respondent Corporation. Ext.P6 petition dated 3.2.2012 was also filed before the 3rd respondent, Environmental Engineer of Pollution Control Board, for prohibiting the functioning of the unit.

Today when the matter came up for hearing, the learned counsel for the petitioner submitted that the first respondent has filed a statement wherein it is stated that as per the direction of this Court, the Corporation has directed the Health Inspector to inspect the work shop run by the 4th respondent and accordingly, the unit was closed and sealed by the Health Inspector on 13.3.2012. In the light of the said averment, this Court is of the view that there is no need to proceed with this writ petition. Therefore, this writ petition is closed.

sd/-A.V.RAMAKRISHNA PILLAI
JUDGE

css/

true copy

P.S.TO JUDGE