

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

WP(C).No. 8373 of 2011 (V)

PETITIONERS:

1. RUGMINI .C., W/O.SUKUMARAN, AGED 35
YEARS, COOLIE WORKER, CHIRAPPURAM P.O.
NILESHWAR, KASARAGOD DISTRICT.
2. SAROJINI N., W/O.DAMODARAN, AGED 41
YEARS, COOLIE WORKER, CHIRAPPURAM P.O.
NILESHWAR, KASARAGOD DISTRICT.
3. SUKUMARAN C., S/O.DAMODARAN, AGED 39
YEARS, COOLIE WORKER, CHIRAPPURAM P.O.
NILESHWAR, KASARAGOD DISTRICT.
4. SHYLAJA, W/O.BALAKRISHNAN, AGED 25YEARS,
CHIRAPPURAM P.O., NILESHWAR, KASARAGOD DISTRICT.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS:

1. DISTRICT COLLECTOR, KASARAGOD,
PIN: 671121.
2. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD, KASARAGOD
PIN: 671121
3. NILESWAR MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, NILESHWAR, KASARAGOD
PIN: 671123.
4. SECRETARY,
NILESWAR MUNICIPALITY, NILESHWAR, KASARAGOD
PIN: 671123.

R2 BY ADV. SRI.M.K.CHANDRAMOHAN DAS,SC,POLL.C.BOARD

R3,4 BY ADV. SRI.ELVIN PETER P.J.

SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

R2 BY ADV. SRI.P.U.SHAILAJAN,SC,POLLUTION CONTROL

R2 BY ADV. SRI.PHILSON MATHEWS, SC, KERALA STATE POLLUTION
CONTROL BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-12-2015 ALONG WITH WPC.13105/2011, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX TO W.P.C.NO.8373 OF 2011

PETITIONER'S EXHIBITS:

- EXT.P1: TRUE COPY OF RELEVANT PHOTOGRAPHS OF THE BIO GAS PLAN
TPROPOSED BY NILESHWAR MUNICIPALITY AND ITS SURROUNDINGS
AREAS.
- EXT.P2: TRUE COPY OF NEWS REPORT APPEARED IN MALAYALA MANORAMA
DAILY DATED 20-02-2011.
- EXT.P3: TRUE COPY OF NEWS REPORT APPEARED IN MALAYALA MANORAMA
DAILY DATED 03-03-2011.
- EXT.P4: TRUE COPY OF THE MASS COMPLAINT DATED 25-02-2011
SUBMITTED BEFORE THE DISTRICT COLLECTOR, KASARAGOD.
- EXT.P5: TRUE COPY OF THE MASS COMPLAINT DATED 25-02-2011
SUBMITTED TO THE NILESHWAR MUNICIPALITY.
- EXT.P6: TRUE COPY OF MASS PETITION DATED 09-03-2011 SUBMITTED TO
THE POLLUTION CONTROL BOARD, KASARAGOD OFFICE.
- EXT.P7: TRUE COPY OF AUTHORIZATION DATED 18-12-2009 ISSUED BY THE
POLLUTION CONTROL BOARD.

RESPONDENT'S EXHIBITS:

NIL

// True Copy// PA to Judge

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.Nos.8373 of 2011
and 13105 of 2011

Dated this the 18th day of December 2015

J U D G M E N T

Shaffique, J

W.P.C.No.13105 of 2011 has been filed by the Municipality and its office bearers seeking police protection for installing and operating a Vermicomposting Solid Waste Management Plant at Chirappuram.

2. It is submitted by the learned Government Pleader that on account of the interim directions issued by this Court, the work of the plant has already been completed and no untoward incident has been reported so far.

3. W.P.C.No.8373 of 2011 has been filed by certain residents of Chirappuram challenging the installation of the vermicomposting which was undertaken by the Municipality at Chirappuram. They have alleged that if solid waste is collected by the Municipality, it will cause serious pollution in the locality. It is brought to the notice of this Court that after construction of the

new plant, there had been no allegation of pollution in the locality. Since the construction of the plant is already completed, we do not think it necessary to consider the contentions raised on behalf of the petitioners in W.P.C.No.8373/2011. However, if there is any further pollution on account of the functioning of the plant, it is always open for them to approach the Municipality and seek necessary reliefs.

With the above observation, these writ petitions are disposed of.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr19/12/2015