

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 6641 of 2015 (E)

PETITIONER:

**DENNY K.J., AGED 47 YEARS,
S/O.JOSEPH, KOLENCHERRY HOUSE,
MANJAPRA P.O. - 683 581, PALLIKUNNU,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.E.C.POULOSE
SMT.BOBBOY RAPHEAL.C**

RESPONDENT(S):

- 1. MANJAPRA GRAMA PANCHAYATH,
MANJAPRA P.O., ERNAKULAM DISTRICT - 683 581,
REPRESENTED BY ITS SECRETARY**
- 2. THE REVENUE DIVISIONAL OFFICER,
FORTKOCHI, ERNAKULAM DISTRICT 682 001.**
- 3. THE DISTRICT OFFICER,
THE KERALA STATE POLLUTION CONTROL BOARD,
ERNAKULAM DISTRICT - 682 016.**
- 4. THE MEDICAL OFFICER,
PRIMARY HEALTH CENTRE, MANJAPRA,
ERNAKULAM DISTRICT - 683 587.**
- 5. K.V.JOY, KOLENCHERRY HOUSE, MANJAPRA,
ERNAKULAM DISTRICT - 683 581.**

**R1 BY ADV. DR.GEORGE ABRAHAM
R2 & R4 BY GOVERNMENT PLEADER SRI.SHYSON PMANGUZHA
R3 BY SRI.M.AJAY, SC
R5 BY ADVS. SRI.P.C.BABU
SRI.SAJI C.P**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

P1: TRUE COPY OF THE COMPLAINT DATED 6/11/2014 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

P1(A): TRUE ENGLISH TRANSLATION OF EXT.P1.

P2: TRUE COPY OF THE COMPLAINT DATED 23/1/2015 FILED BY THE PETITIONER BEFORE THE HEALTH INSPECTOR, MANJAPRA.

P2(A): TRUE ENGLISH TRANSLATION OF EXT.P2.

P3: TRUE COPY OF THE COMPLAINT DATED 18/1/2015 FILED BY THE BROTHER OF THE PETITIONER BEFORE THE 1ST RESPONDENT.

P3(A): TRUE ENGLISH TRANSLATION OF EXT.P3.

P4: TRUE COPY OF THE COMPLAINT DATED 31/1/2015 FILED BY THE PETITIONER AND OTHER LOCAL PEOPLE BEFORE THE 2ND RESPONDENT.

P4(A): TRUE ENGLISH TRANSLATION OF EXT.P4.

P5: TRUE COPY OF THE RESOLUTION NO.IV DATED 28/1/2015 OF THE 1ST RESPONDENT.

P5(A): TRUE ENGLISH TRANSLATION OF EXT.P5.

P6: TRUE COPY OF THE CONSENT TO OPERATE ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.

P7: TRUE COPY OF THE COMPLAINT DATED 10.4.2015 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ALONG WITH RECEIPT DATED 10.4.2015 ISSUED BY THE 1ST RESPONDENT.

P8: TRUE COPY OF THE STOP MEMO DATED 13.4.2015 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.6641 of 2015

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Dated this the 25th day of May, 2015

JUDGMENT

The grievance of the petitioner is that the 5th respondent is conducting a poultry farm causing health problems in the locality in spite of Ext.P8 stop memo issued by the respondent panchayat. The petitioner alleges that the said poultry farm is within a distance of 10 metres from his residence and the area is thickly populated.

2. The learned standing counsel for the respondent panchayat on instructions submitted that though earlier a licence has been issued to the 5th respondent, the same has not been renewed during the current year. It was further submitted by the learned standing counsel that the panchayat is not aware whether the 5th respondent has approached the Tribunal for Local Self Government in appeal against Ext.P8 stop memo.

As the grievance of the petitioner is that the poultry farm conducted by the 5th respondent is still functioning, the writ petition is disposed of directing the first respondent to enforce Ext.P8 stop memo with the aid of Police if the same has not been challenged before the appropriate forum.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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