

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 8354 of 2015 (T)

PETITIONER:

M.A.VARGHESE, AGED 59 YEARS
S/O.OUSEPH, MALAPPILLY HOUSE, PULIYANAM
ANGAMALY.

BY ADV. SRI.K.S.RAJEEV (ALUVA)

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY ITS SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 001.
2. PARAKADAVU GRAMA PANCHAYATH REPRESENTED BY ITS SECRETARY,
OFFICE OF THE PARAKADAVU GRAMA PANCHAYATH
MOOZHICKULAM, KURUMASSERY P.O., PIN-683 572.
3. DISTRICT MEDICAL OFFICER,
ERNAKULAM-682 011.

Addl.4. POLY M.A., S/O.AUGUSTY, AGED 46,
MELAPPILLY HOUSE, PULIYANAM PO.,
PARAKADAVU

IS IMPEADED AS PER ORDER DATED 25.03.2015 IN IA.4517/2015.

R4 BY ADV. SRI.RANJIT BABU

R2 BY ADV. SRI.K.B.DAYAL

R1&3 BY GOVERNMENT PLEADER, SRI MUHAMMED SHAFI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 8354 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE COMPLAINT TO THE PANCHAYATH SUBMITTED BY
THE GENERAL PUBLIC DATED 18.12.2013.

EXT.P2: TRUE COPY OF THE REPORT OF THE HEALTH SUPERVISOR,
CHENGAMANAD DATED 4.2.15.

EXT.P3: TRUE COPY OF THE REPRESENTATION SUBMITTED TO THE SECOND
RESPONDENT DATED 25.2.15

EXT.P4: TRUE COPY OF THE REPRESENTATION SUBMITTED TO THE THIRD
RESPONDENT DATED 25.2.2015.

RESPONDENTS' EXHIBITS : NIL

// TRUE COPY //

PA TO JUDGE

dl/

A.M.SHAFFIQUE, J

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W.P.C.No.8354 of 2015

Dated this the 30th day of March 2015

J U D G M E N T

Petitioner has approached this Court seeking for a direction to respondents 2 and 3 to consider Exts.P3 and P4 representations at the time of considering the application proposed for conducting a poultry and cow farm by the additional 4th respondent in Re- Survey No.200/4 of Parakadavu village.

2. Learned counsel appearing for the 2nd respondent submits that so far no such application has been received.

3. The submission of the petitioner is that conduct of such a cow/poultry farm will cause severe nuisance and pollution in the neighbouring locality. Hence unless appropriate sanitation measures are taken to ensure that no pollution is being caused, the grant of permission may affect the interest of the petitioner as well.

4. Learned counsel for the Panchayath would however submit that on the basis of the representation submitted by the petitioner, the parties were called and conciliation efforts are being taken by the Panchayath in this regard.

5. Having regard to the aforesaid submission, I do not think that any further direction is required to be passed in this case. However, since the petitioner has expressed an apprehension regarding nuisance/pollution if the poultry/cow farm is permitted to be conducted in the said area, if at all any such application is filed by the additional 4th respondent or any other person claiming under him, petitioner shall also be heard before passing appropriate orders.

With the above observation, this writ petition is disposed of.

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

