

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No.9856 of 2015 (F)

PETITIONER:

**KRISHNAN NAIR,S/O.MADHAVAN NAIR,
EDAYALIL HOUSE,ERAMALLOOR KARA & VILLAGE,
KOTHAMANGALAM TALUK,ERNAKULAM DISTRICT.**

**BY ADVS.SRI.MATHEW JOHN (K)
SRI.DOMSON J.VATTAKUZHAY**

RESPONDENTS:

- 1. REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA - 686661.**
- 2. THE VILLAGE OFFICER,ERAMALLOOR VILLAGE,
KOTHAMANGALAM - 686 691.**
- 3. HARI,PARACKAL HOUSE,ERAMALLOOR KARA & VILLAGE
KOTHAMANGALAM TALUK,ERNAKULAM DISTRICCT - 686 691.**
- 4. SINIJA,W/O.HARI,PARACKAL HOUSE,
ERAMALLOOR KARA & VILLAGE
KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICCT - 686 691.**

R1 & R2 BY GOVT. PLEADER SRI.K.C.VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.9856 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1:A TRUE COPY OF THE COMPLAINT BEFORE THE 1ST RESPONDENT
BY THE PETITIONER DATED 01.12.2014.**

**EXHIBIT P2:A TRUE COPY OF THE REPORT OF THE 2ND RESPONDENT
DATED 03.12.2014.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

pk

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 9856 of 2015

Dated this the 31st day of March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “i. Issue a writ in the nature of Mandamus or any other appropriate writ, direction or order commanding the 1st respondent to finalize the proceedings pursuant to Ext.P1 petition without any further delay.*
- ii. Issue such other writ, direction or order as are just and necessary in the facts and circumstances of the case to meet the ends of justice.”*

2. The learned counsel for the petitioner points out that, the activity being pursued by the respondents 3 and 4, virtually pollute the water in the petitioner's pond and is quite detrimental to the rights and liberties of the petitioner in enjoying the property concerned and also the peaceful living. It is in the said circumstance, that Ext.P1 complaint has been preferred before the 1st respondent on 01.12.2014. Based on the said complaint, Ext.P2 report was submitted by the 2nd respondent, way back in December, 2014, but no further action has been taken by the 1st respondent and hence the writ petition.

3. Heard the learned Government Pleader as well.

4. During the course of hearing, the learned counsel for the petitioner points out that, the only relief now pressed before this Court to have a final disposal of Ext.P1 after hearing all concerned.

5. In the said circumstance, this Court does not find it necessary to go into the merits of the case or issue notice to the respondents 3 and 4 for the time being. The writ petition is disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P1, in the light of Ext.P2 and such other materials if any, after affording an opportunity of hearing to the petitioner and the respondents 3 and 4, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.