

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&**

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

WP(C).No. 12879 of 2013 (H)

PETITIONER(S) :

**1. BABY JOHN, S/O.C.I.JOHN
AGED 52, MULAMMOOTTIL GALEED, T.C.4/1778(7) KOWDIAR
TRIVANDRUM.**

**2. SAIRA SAANTHOSH
W/O.SANTHOSH WILSON, AGED 40, RESIDING AT T.C.2/3240
KULANGARA LANE, PATTOM, TRIVANDRUM.**

**BY ADVS.SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.ANEESH JAMES**

RESPONDENT(S) :

**1. THE SUPERINTENDENT OF POLICE (RURAL)
KURAVANKONAM, TRIVANDRUM DISTRICT, PIN-695 003.**

**2. THE DEPUTY SUPERINTENDENT OF POLICE
NEDUMANGAD, TRIVANDRUM DISTRICT, PIN – 695 541.**

**3. THE SUB INSPECTOR OF POLICE
VITHURA POLICE STATION, TRIVANDRUM DISTRICT,
PIN- 695 551.**

**4. THE REGIONAL MANAGER (RETAIL)
HINDUSTAN PETROLEUM CORPORATION LTD.,
ERNAKULAM NORTH P.O., KOCHI-682 018.**

**5. VITHURA SREE MAHADEVAR TEMPLE TRUST
REPRESENTED BY ITS SECRETARY
VITHURA P.O., NEDUMANGAD - 695 551.**

6. SREEKANDAN NAIR, SECRETARY
VITHURA SREE MAHADEVAR TEMPLE TRUST
VITHURA P.O., NEDUMANGAD - 695 551.

R1 TO R3 BY SR. GOVT. PLEADER SRI.P.I. DAVIS
R4 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI

R5 &R6 BY ADVS. SRI.RAM MOHAN G.
SRI.G.P.SHINOD
SRI.MANU V.
SRI.GOVIND PADMANAABHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...3/-

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 - TRUE COPY OF CONSENT TO ESTABLISH DATED 02-03-2010 OF KERALA STATE POLLUTION CONTROL BOARD.
- EXT.P2 - TRUE COPY OF NO OBJECTION CERTIFICATE DATED 09-11-10 OF ADDITIONAL DISTRICT MAGISTRATE, TRIVANDRUM.
- EXT.P3 - TRUE COPY OF CONSENT LETTER DATED 26-3-2010 OF THE SUPERINTENDENT OF POLICE, TRIVANDRUM.
- EXT.P4 - TRUE COPY OF REPORT DATED 18-3-2010 OF THAHASILDAR, NEDUMANGAD.
- EXT.P5- TRUE COPY OF NO OBJECTION CERTIFICATE FROM DISTRICT MEDICAL OFFICER, HEALTH, TRIVANDRUM DATED 28-7-2010.
- EXT.P6 - TRUE COPY OF NO OBJECTION CERTIFICATE DATED 18-2-2010 FROM THE FIRE AND RESCUE SERVICES, SOUTHERN DIVISION.
- EXT.P7 - TRUE COPY OF NO OBJECTION CERTIFICATE DATED 23-9-2010 FROM THE EXECUTIVE ENGINEER, PWD ROADS DIVISION.
- EXT.P8 - TRUE COPY OF CONSENT LETTER DATED 14-5-2010 OF THE DISTRICT SUPPLY OFFICER, TRIVANDRUM.
- EXT.P9- TRUE COPY OF CONSENT LETTER DATED 17-4-2009 OF THE 1ST RESPONDENT PANCHAYAT.
- EXT.P10- TRUE COPY OF THE CONSENT OF CHIEF TOWN PLANNER DATED 11-2-2011.
- EXT.P11 - TRUE COPY OF COMMON ORDER DTD.22-11-2011 IN APPEAL NOS.565/2011 AND 573/2011 OF TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, TRIVANDRUM.
- EXT.P12 - TRUE COPY OF ORDER DTD.09-01-2012 OF 1ST RESPONDENT.
- EXT.P13 - TRUE COPY OF COMMON ORDER DTD.26-06-2012 IN APPEAL NOS.93 OF 2012 AND 101 OF 2012 OF TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, TRIVANDRUM (WITH TYPED COPY).
- EXT.P14 - TRUE COPY OF BUILDING PERMIT DATED 27-4-2013 IN FAVOUR OF THE 4TH RESPONDENT.
- EXT.P15 - TRUE COPY OF THE REPRESENTATION DATED 8-5-2013 SUBMITTED BEFORE THE 2ND RESPONDENT.
- EXT.P16 - TRUE COPY OF THE COMPLAINT DATED 17-5-2013 TO THE RESPONDENTS 2 AND 3.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
RAJA VIJAYARAGHAVAN V., J.**

W.P.(C) No.12879 of 2013

Dated this the 11th day of December 2015

J U D G M E N T

Ashok Bhushan, CJ.

Learned counsel for the petitioners submits that this matter has become infructuous. Hence, this writ petition is dismissed as infructuous.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
RAJA VIJAYARAGHAVAN V
JUDGE**

//True copy//

P.A. To Judge

Jvt/14.12.2015