

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 15159 of 2009 (L)

PETITIONER(S) :

**KILIYANKANDI AMBIKA, W/O.CHANDRAN,
HOUSE NO.234, THEKKEPALANGAVIL VEEDU,
CHALIYAM P.O.PAZHANCHANNUR AMSOM, KOZHIKODE TALUK**

BY ADV. SRI.MANJERI SUNDERRAJ

RESPONDENT(S) :

- 1. STATE OF KERALA,
REP.BY DISTRICT COLLECTOR, KOZHIKODE,
KOZHIKODE.**
 - 2. REVENUE DIVISIONAL OFFICE
(SUB DIVISIONAL MAGISTRATE) KOZHIKODE.**
 - 3. KADALUNDI GRAMA PANCHAYATH,
REP.BY THE SECRETARY, KADALUNDI, KOZHIKODE.**
 - 4. STATION HOUSE OFFICER,
FEROKE POLICE STATION, FEROKE, KOZHIKODE.**
 - 5. PUBLIC HEALTH INSPECTOR,
KADALUNDI.**
 - 6. PALATHIL SUHARA, D/O.KUNHIKOYA,
EDACHERI PARAMBA, MANNUR P.O., PAZHANCHANNUR AMSOM,
DESOM, KOZHIKODE TALUK.**
- R1, R2, R4 & R5 BY GOVERNMENT PLEADER SRI.MANOJ.P.KUNJACHAN
R3 BY ADVS. SRI.E.NARAYANAN
SRI.K.MURALEEDHARAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: TRUE COPY OF COMPLAINT BY THE PETITIONER AGAINST THE 4TH RESPONDENT.

EXHIBIT P2: TRUE COPY OF COUNTER BY THE 4TH RESPONDENT TO THE ABOVE COMPLAINT.

EXHIBIT P3: TRUE COPY OF TEMPORARY STAY ORDER DATED 29.08.2006 IN L.5533/06 PASSED BY THE 2ND RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE ORDER NO.PH/10/06 DATED 12.06.2006 ISSUED BY THE HEALTH INSPECTOR, KADALUNDI.

EXHIBIT P5: TRUE COPY OF ORDER DATED 10.09.2007 IN L.5533/06 PASSED BY THE 2ND RESPONDENT TOGETHER WITH CLEAR COPY THEREOF (AS THE COPY OF THE ORIGINAL ORDER IS SLIGHTLY ILLEGIBLE).

EXHIBIT P6: TRUE COPY OF PETITION FILED BY THE PETITIONER BEFORE THE SUB INSPECTOR OF POLICE, FEROKE POLICE STATION.

EXHIBIT P7: TRUE COPY OF PETITION FOR EXECUTION OF ORDER DATED 10.09.2007 IN L.5533/06 PASSED BY THE 2ND RESPONDENT.

EXHIBIT P8: TRUE COPY OF URGENT NOTICE ISSUED BY 2ND RESPONDENT RDO TO THE VILLAGE OFFICER, KADALUNDI TO SPECIFIC INSTRUCTION TO EXECUTE THE ORDER IN L.5533 OF 2006.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.

W.P.(C) No. 15159 of 2009 (L)

Dated this the 28th day of July, 2015

J U D G M E N T

The petitioner was aggrieved with the non implementation of Ext.P5 order.

2. The petitioner's contention was against the 6th respondent, who was constructing a lavatory with open pits. Ext.P5, in fact, directed that the said lavatory can be used only with proper closed septic tank units.

3. The counsel for the petitioner and the 6th respondent are not present when the matter was taken up for hearing. I have heard the learned Government Pleader as also the learned Standing Counsel appearing for the 3rd respondent.

4. Definitely, Ext.P5 order would have to be implemented and the official respondents have a bounden duty to see that no such use of lavatories are carried on.

5. If the petitioner has any complaint regarding the manner of use of such lavatory by the 6th respondent, the petitioner shall make such complaint before the R.D.O., the 2nd respondent, and the R.D.O. shall ensure that such use of open pit is not permitted and take necessary action.

The writ petition, hence, would stand disposed of with the above observation.

Sd/-
K.VINOD CHANDRAN,
JUDGE