

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 13585 of 2013 (W)

PETITIONER(S):

**SURESH BABU, AGED 49 YEARS,
S/O.BALAN, VYKATTIL MATHUKATIL HOUSE, P.O.THRITHALLUR,
THRISSUR - 680 619.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S) :

- 1. THE STATE OF KERALA, REP. BY THE SECRETARY TO THE
GOVERNMENT, LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE VADANAPALLY GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, VADANAPPALLY P.O.,
THRISSUR - 680 614.**
- 3. ANANDHAN, S/O.SHAMBU,
MATHUKATIL HOUSE, VADANAPALLY, THRISSUR - 680 614.**

R1 BY GOVERNMENT PLEADER SRI.ABDUL REHMAN

R2 BY ADVS. SRI.S.SHANAVAS KHAN

SMT.S.INDU

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: A TRUE COPY OF THE COMPLAINT LODGED BY THE PETITIONER BEFORE THE HON'BLE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS DATED 22/04/2012.
- EXT.P2: A TRUE COPY OF THE REPLY OF THE SECOND RESPONDENT DATED 15/10/2012.
- EXT.P3: A TRUE COPY OF THE REQUEST OF THE THIRD RESPONDENT DATED 01/08/2012.
- EXT.P4: A TRUE COPY OF THE AGREEMENT EXECUTED BY THE RESPONDENTS 2 AND 3 DATED NIL.
- EXT.P5: A TRUE COPY OF THE VOUCHER PREPARED BY THE SECOND RESPONDENT FOR THE MONTH OF JULY, 2012.
- EXT.P6: A TRUE COPY OF THE LAWYER NOTICE ISSUED ON BEHALF OF THE PETITIONER DATED 17/05/2012.
- EXT.P7: A TRUE COPY OF THE REPORT OF THE DISTRICT MEDICAL OFFICER, THRISSUR DATED 27/10/2012.
- EXT.P8: A TRUE COPY OF THE ORDER PASSED BY THE HON'BLE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM DATED 16/07/2012.
- EXT.P9: A TRUE COPY OF THE COMMUNICATION OF THE SUCHITHWA MISSION, LOCAL SELF GOVERNMENT, STATE OF KERALA DATED 13/08/2011.
- EXT.P10: A TRUE COPY OF THE COMMUNICATION OF THE ENVIRONMENTAL ENGINEER DATED 30/01/2013.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 13585 of 2013

Dated this the 23rd day of January, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent, as well as the learned Government Pleader, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, based on Exhibit P4 agreement, the second respondent Grama Panchayat is said to have been dumping waste in the property of the third respondent. The petitioner being the immediate neighbour, having been aggrieved, filed Exhibit P6 representation before the second respondent Grama Panchayat. When no further steps have been initiated to alleviate what is said to be the hardship caused to the petitioner, he has filed the present writ petition.

3. The learned Standing Counsel for the respondent Grama Panchayat, on instructions, has submitted that since last one year no dumping activity has been taking place, inasmuch as the respondent Grama Panchayat has found alternative site for the said purpose. When this Court desired

the respondent Grama Panchayat to file a counter to that effect, the learned counsel has submitted that he is reporting on instructions and that it may be recorded.

4. In the facts and circumstances, the writ petition is disposed of recording the submission of the learned Standing Counsel for the second respondent Grama Panchayat that the nuisance said to have been caused to the petitioner earlier has been abated and that now no dumping activity is taking place.

With the above observation, this writ petition is disposed of. No order as to costs.

DAMA SESHADRI NAIDU
JUDGE

DMR/-