

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No.11050 of 2015 (E)

PETITIONER'S:

1. **BAIJU K.A,AGED 40 YEARS,S/O.AZHAKAN AYYAPPAN,
KURINJILAKKATTU PUTHENPUIRAYIL HOUSE,
EETTIPARA,PALLARIMANGALAM,ERNAKULAM DISTRICT.**
2. **SIDIQUE C.A,AGED 42 YEARS,S/O.LATE ALI,
CHIRANGARAPUTHENPURA HOUSE,EETTIPARA
PALLARIMANGALAM,ERNAKULAM DISTRICT.**
3. **REJI KUMAR,AGED 40 YEARS,S/O.K.K.KUMARAN,
KAKKATTU HOUSE,EETTIPARA,
PALLARIMANGALAM,ERNAKULAM DISTRICT.**
4. **AJI K.K,S/O.K.K.KUMARAN,KAKKATTU HOUSE,EETTIPARA,
PALLARIMANGALAM,ERNAKULAM DISTRICT.**
5. **NISSAR C.P,AGED 42 YEARS,S/O.PAREED,
CHIRANARAPUTHENPURA HOUSE,EETTIPARA,
PALLARIMANGALAM,ERNAKULAM DISTRICT.**
6. **ABBAS P.M,AGED 29 YEARS,PALLOLIL HOUSE,EETTIPARA,
PALLARIMANGALAM,ERNAKULAM DISTRICT.**
7. **SANTHOSH KUMAR,AGED 43 YEARS,
S/O.SREEDHARAN,CHELLISSERIKUDIYIL HOUSE,
EETTIPARA,PALLARIMANGALAM,ERNAKULAM DISTRICT.**

**BY ADVS.SRI.SALIM V.S.
SRI.SHANAVAS.S
SRI.H.NUJUMUDEEN
SRI.P.V.JEEVESH**

RESPONDENTS:

1. **ANOOB T.B,THURUTHELIL HOUSE,ALLAPARA P.O.,
PERUMBAVOOR,ERNAKULAM DISTRICT,PIN - 683 556.**
2. **PALLARIMANGALAM GRAMA PANCHAYATH,
KOOVALLOOR P.O,ERNAKULAM DISTRICT,
PIN - 686 671,REPRESENTED BY ITS SECRETARY.**

**R1 BY ADVS.SRI.C.A.NAVAS
SRI.P.A.SHAJI SAMAD
SRI.C.J.SOLOMAN
SMT.E.G.AMBILY**

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WP(C).No.11050 of 2015 (E)

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.11050 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:THE TRUE COPY OF THE SAID STOP MEMO DATED 15/01/2015 ISSUED BY
THE 2ND RESPONDENT.**

EXT.P1(a):ENGLISH TRANSLATION OF EXHIBIT P1.

EXT.P2: THE TRUE COPY OF THE SAID REPRESENTATION DATED 16/03/2015.

EXT.P2(a):ENGLISH TRANSLATION OF THE RELEVANT PORTION OF EXTHIBIT P2.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.11050 of 2015

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Dated this the 24th day of June, 2015

JUDGMENT

Aggrieved by the inaction on the part of the respondents in considering Ext.P2 representation, the petitioners have come up before this Court.

2. The petitioners are permanently residing within the local limits of respondent panchayat. The first respondent is intending to set up a plywood plant in the locality wherein the petitioners are residing. For the said plant, the first respondent is constructing a building also. If the said plant is permitted to function, that would adversely affect the peaceful and healthy life of the residents, including the petitioners; it is alleged.

3. The petitioners further allege that the functioning of the said establishment would cause air and water pollution in the locality and it would cause huge noise which would adversely affect the running

of the an “Anganvadi” situated within a radius of 50 metres, wherein about fifty children are studying.

4. It is alleged that the proposed plant is situated in hilly areas of the locality which would cause flowing of poisonous and contaminated water to the nearby residential area. The petitioners further allege that the construction of the said proposed plant and building was carried on without any licence or sanction from the concerned authorities. Therefore, they strongly objected the same and gave objection dated 8.1.2015 to the 2nd respondent who issued Ext.P1 stop memo for violation of the Panchayat Raj Act and Kerala Municipality Building Rules.

5. On receipt of Ext.P1, the 1st respondent submitted application for construction of the proposed plant and building and the same is pending consideration before the 2nd respondent and the latter is about to grant the necessary permissions. Therefore, the petitioners submitted another representation dated 16.3.2015 before the 2nd

respondent for the said purpose. It is further alleged that the houses of the petitioners are situated within a radius of 100 metres and hence the 2nd respondent has no authority to issue licence for the functioning of the plywood factory without producing no objection of the persons residing nearby. Ext.P2 representation is still pending before the 2nd respondent. It is with this background, the petitioners have approached this Court.

6. When the matter came up for hearing, the learned counsel for the petitioners confined his argument to the limited prayer for a direction to the respondents to consider Ext.P2 application and pass appropriate orders on the same within a time limit.

7. Considering the nature of the submission, this Court is of the view that the writ petition can be disposed of even without issuing notice to the respondents.

Therefore, the writ petition is disposed of with a direction to the 2nd respondent to consider and pass appropriate orders on

Ext.P2 representation submitted by the petitioner, within a period of one month from the date of receipt of a copy of this judgment, after affording them and party respondent, an opportunity of being heard.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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/True Copy/

PA to Judge