

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 11412 of 2015 (B)

PETITIONER(S):

**ZENANA MISSION RESIDENT ASSOCIATION,
CHEMBUKAVU, THRISSUR -680 020,
REPRESENTED BY ITS SECRETARY.**

BY ADV. SRI.P.BHASKARAN.

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR, THRISSUR- 680 003.**
- 2. THRISSUR CORPORATION,
REPRESENTED BY ITS SECRETARY,
P.O. THRISSUR, PIN - 680 001.**
- 3. THE SECRETARY, THRISSUR CORPORATION,
PO. THRISSUR, PIN - 680 001.**
- 4. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
POONKUNNAM, THRISSUR, PIN - 680 001.**
- 5. THE SECRETARY,
CHELOOR GOLDEN ENCLAVE FLAT OWNERS ASSOCIATION,
26/317/1, CHELOOR GOLDEN ENCLAVE,
ZANANA MISSION ROAD, CHEMBUKAVU, THRISSUR- 680 020.**

R1 BY GOVT. PLEADER SMT.K.T. LILLY.

**R2 & R3 BY ADVS. SRI.K.P.VIJAYAN
SRI.V.N.HARIDAS.**

R4 BY ADV. SRI. M.AJAY, SC.

**R5 BY ADVS. SRI.ANWIN GOPAKUMAR,
SMT.KALA G.NAMBIAR,
SRI.K.AMAL NATH NAIK,
SMT.DEEPTI SUSAN GEORGE,
SRI.ARJUN RADHAKRISHNAN NAIR,
SMT.ANUSREE SURESH.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF THE COMPLAINT PETITION DATED 05.11.2006.
- P2- TRUE COPY OF THE ANALYSIS REPORT DATED 22.01.2007.
- P3 - TRUE COPY OF THE COMMUNICATION DATED 18.02.2014 ISSUED BY
THE 1ST RESPONDENT TO THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 11412 of 2015

Dated this the 29th day of June, 2015

J U D G M E N T

The petitioner, who is a residents' association, has come up before this Court seeking a direction to the 3rd respondent to consider and pass orders on Ext.P3 within a time frame.

2. The petitioner alleges that its members are being badly affected by the nuisance caused by the 5th respondent, who is a builder/apartment owner. Their grievance is that the drainage and sewage water is being let out in open gutter from the apartments, which emanates filthy and foul smell polluting the environment of that area. In support of their contentions, they have produced Ext.P2 test report obtained from the chemical laboratory. As a result of repeated requests, the 1st respondent took up the matter and issued Ext.P3 direction to the 3rd respondent directing to abate nuisance. Before issuing such a direction, the District Collector had obtained an enquiry report from the Tahsildar, Thrissur, in this regard; and the Tahsildar reported the existence of the nuisance; it is alleged. Their grievance is that

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in spite of Ext.P3, the 3rd respondent has not taken any action for the abatement of nuisance. Hence, this writ petition.

3. Heard the learned counsel for the petitioner, the learned Government Pleader, the learned Standing Counsel for the respondent corporation, the learned Standing Counsel for the 4th respondent and the learned counsel for the 5th respondent.

Considering the nature of submission and the relief sought for, the writ petition is disposed of directing the 3rd respondent to consider and pass appropriate orders on Ext.P3 after affording the petitioner and the 5th respondent an opportunity of being heard within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the 3rd respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-