

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 11498 of 2015 (J)

PETITIONER:

**T.K.BABU, AGED 43,
S/O.KUNJACHAN CHERIAN,
THAKADIMANNIL HOUSE,
MANGAARAM, KONNI.P.O.,
PATHANAMTHITTA - 689 691.**

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH**

RESPONDENT(S):

**1. ALICE KUTTY, AGED 52,
W/O.MATHUKUTTY KUNJACHAN,
THAKADIMANNIL HOUSE,
MANGAARAM, KONNI.P.O.,
PATHANAMTHITTA - 689 691.**

**3. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, MAKKANKUNNU,
PATHANAMTHITTA - 689 645.**

**3. THE SECRETARY,
KONNI GRAMA PANCHAYAT, KONNI,
PATHANAMTHITTA - 689 691.**

**R1 BY ADV. SRI.MILLU DANDAPANI
R2 BY SRI.M.R.ARUNKUMAR, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

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APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1 : TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT
DATED 18.2.2012 INTIMATING THE PETITIONER.**

**EXHIBIT P2 : TRUE COPY OF A COMPLAINT SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT DATED 26.8.2014.**

**EXHIBIT P3 : TRUE COPY OF THE COMMUNICATION ISSUED BY THE
2ND RESPONDENT TO THE 1ST RESPONDENT DATED 10.10.2014.**

**EXHIBIT P4 : THE PHOTOGRAPHS OF THE COVERING MADE BY THE
1ST RESPONDENT.**

**EXHIBIT P5 : THE COMPLAINT LODGED BY THE PETITIONER BEFORE THE
3RD RESPONDENT.**

RESPONDENT'S EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 11498 of 2015

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Dated, this the 10th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

(i) Issue a writ of mandamus directing the 2nd and 3rd respondents to take immediate steps to stop the functioning of the hollow brick manufacturing unit of the 1st respondent until and unless the 1st respondent complies with the directions issued by the 2nd respondent seen in Exhibit P3 and further to take necessary steps to prevent the sound and air pollution now being suffered by the petitioner due to the illegal functioning of the manufacturing unit of the 1st respondent.

(ii) Issue a writ of mandamus directing the 2nd and 3rd respondents to cancel the permit or sanction issued in favour of the 1st respondent for conducting the hollow brick manufacturing unit as she has failed to comply with necessary measures to prevent the sound and air pollution.

(iii) To issue any other writ or direction appropriate
in the circumstances of this case

2. The grievance of the petitioner is that the first respondent is running a hollow bricks manufacturing unit with close proximity to the residence of the petitioner herein and that same is being functioned without any regard to the Rule of law or as to the requirements to be satisfied in compliance to the directions/norms to be complied with. The learned counsel for the petitioner submits that the first respondent has not complied with the directions given by the Pollution Control Board vide Ext. P3.

3. The learned counsel for the first respondent submits that the idea and understanding of the petitioner, who is a close relative of the first respondent, is thoroughly wrong and misconceived and that the said respondent has complied with all the requirements as insisted by the Pollution Control Board, vide Ext.P3.

In view of the disputed question of facts, the writ petition is disposed of, directing the Pollution Control Board/2nd respondent to conduct a spot inspection and ascertain whether the first respondent has complied with all the requirements under Ext. P3 and is functioning the unit as per the norms prescribed by the

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: 3 :

Pollution Control Board. If any violation is noticed, appropriate steps shall be taken to have the unit closed down, till all the legal requirements are satisfied.

Petitioner shall produce a copy of this judgment along with copy of this writ petition before the concerned respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd