

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).NO. 11797 OF 2014 (Y)

PETITIONER(S):

- 1. BOBBY DEVASIA, S/O. T.V.DEVASIA,
AGED 36 YEARS, RESIDING AT
THADATHIL HOUSE, MANJAPRA P.O.,
ANGAMALY (VIA), ERNAKULAM DISTRICT.**
- 2. SHANI C.P., S/O. C.O.POULOSE,
AGED 30 YEARS, RESIDING AT
ARACKAL CHOKKY HOUSE, MANJAPRA P.O.,
ANGAMALY ROAD, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.T.C.SURESH MENON,
SRI.P.S.APPU,
SRI.SANIL JOSE.**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD,
ERNAKULAM-682 030.**
- 2. THE MANJAPRA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
MANJAPRA P.O., ERNAKULAM-683 581.**
- 3. THE DISTRICT MEDICAL OFFICER,
ERNAKULAM-682 001.**
- 4. THE PRINCIPAL AGRICULTURAL OFFICER,
ERNAKULAM-682 001.**
- 5. THE KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS MEMBER SECRETARY, PLAMOOD,
PATTOM P.O., THIRUVANANTHAPURAM-695 001.**
- 6. DEPUTY DIRECTOR OF PANCHAYATHS,
THIRUVANANTHAPURAM-695 001.**

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**7. BIJU JOSEPH, S/O. JOSEPH,
RESIDING AT APPACHIRA, VILANGU,
KIZHZAKKAMBALAM P.O.,
ERNAKULAM DISTRICT-683 562.**

**R1, R3, R4 & R6 BY GOVT. PLEADER SRI. G. GOPAKUMAR.
R2 BY ADV. DR.GEORGE ABRAHAM.
R5 BY ADV. SRI. M.AJAY, SC.
R7 BY ADVS. SRI.K.C.ELDHO,
SRI.JIJO THOMAS,
SRI.SURAJ.S.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1-** TRUE COPY OF THE ORDER IN I.A.NO. 1977/2013 IN APPEAL NO. 993/2013 ON THE FILE OF THE COURT OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM DATED 28-10-2013.
- EXHIBIT P2(A)-** TRUE COPY OF THE PHOTOGRAPH DEPICTING THE STORAGE OF GRANITE AT MIDST OF PADDY FIELDS DATED -NIL-
- EXHIBIT P2(B)-** TRUE COPY OF THE PHOTOGRAPH DEPICTING THE STORAGE OF GRANITE AT MIDST OF PADDY FIELDS DATED -NIL-
- EXHIBIT P3(A)-** TRUE COPY OF THE PHOTOGRAPH EXPRESSING THE PUBLIC ANGER AND PROTEST DATED -NIL-
- EXHIBIT P3(B)-** TRUE COPY OF THE PHOTOGRAPH EXPRESSING THE PUBLIC ANGER AND PROTEST DATED -NIL-
- EXHIBIT P3(C)** TRUE COPY OF THE PHOTOGRAPH EXPRESSING THE PUBLIC ANGER AND PROTEST DATED NIL.
- EXHIBIT P4(A)-** TRUE COPY OF THE COMPLAINT PREFERRED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT DATED 29-03-2014.
- EXHIBIT P4(B)-** TRUE COPY OF THE RECEIPT ACKNOWLEDGING THE COMPLAINT DATED 29-03-2013.
- EXHIBIT P5-** TRUE COPY OF MASS PETITION FILED BY THE PETITIONERS AS WELL AS THE DISGRUNTLED CITIZENS OF THE MANJAPRA GRAMA PANCHAYATH BEFORE THE 3RD RESPONDENT DATED 01-07-2013.
- EXHIBIT P6-** TRUE COPY OF MASS PETITION FILED BY THE PETITIONERS AS WELL AS THE DISGRUNTLED CITIZENS OF THE MANJAPRA GRAMA PANCHAYATH BEFORE THE SECRETARY OF THE 2ND RESPONDENT DATED 02-12-2013.
- EXHIBIT P7(A)-** TRUE COPY OF THE PETITION PREFERRED BY THE CONVENER OF THE KUZHIYAPADAM CRUSHER VIRUDHA SAMARA SAMITHY BEFORE THE 2ND RESPONDENT DATED 24-03-2014.
- EXHIBIT P7(B)-** TRUE COPY OF THE RECEIPT ACKNOWLEDGING THE PETITION DATED 26-03-2014.

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**EXHIBIT P8- TRUE COPY OF ONE SUCH PHOTOGRAPH SHOWING THE
POLLUTED WATER FLOWING FREELY FROM THE CRUSHER
UNIT DATED -NIL.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 11797 of 2014 (Y)

Dated this the 9th day of February, 2015.

JUDGMENT

The petitioners, the residents of Manjapra Grama Panchayath, have a grievance that the 7th respondent is conducting a metal crusher unit in the midst of paddy fields. According to them, owing to the storage of huge quantity of granite in the paddy fields, the cultivation of paddy in the adjacent fields has become impossible. Under those circumstances, the petitioners are said to have submitted Ext.P4(a) representation before the first respondent, the District Collector. It appears that the said representation was acknowledged through Ext.P4(b). Complaining of non-consideration of Ext.P4(a) by the first respondent, the petitioners have approached this Court.

2. Though the 7th respondent has been served with notice, none appears on his behalf.

3. The learned counsel for the second respondent Grama

Panchayath has submitted that the first respondent may conduct a hearing based on Ext.P4(a) complaint, after notice to the Grama Panchayath and also the 7th respondent .

4. The learned Government Pleader has submitted that the first respondent is willing to consider Ext.P4(a) representation of the petitioner in accordance with law.

In the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioner, the learned Government Pleader and the learned counsel for the respondent Grama Panchayath, this Court disposes of the writ petition with a direction to the first respondent to consider the petitioners' Ext.P4(a) representation, after notice to the respondent Grama Panchayath and the 7th respondent, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

