

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. 11689 of 2015 (I)

PETITIONER :

**P.A. GEORGE (THANKACHAN), AGED 51 YEARS,
S/O.ANTHAPPAN, PANACKAL HOUSE,
NEAR DHYANAKENDRAM, SOUTH CHITTOOR,
COCHIN-682 027.**

**BY ADVS.SRI.M.SASINDRAN
SRI.S.SHYAM KUMAR**

RESPONDENT(S):

- 1. THE COMMISSIONER OF POLICE,
COCHIN-682 018**
- 2. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
GANDHI NAGAR, ERNAKULAM-682 020**
- 3. THE CHITTOOR RETREAT CENTRE,
SNEHASUSRUSHALAYAM, SOUTH CHITTOOR,
ERNAKULAM-682 027, REPRESENTED BY ITS DIRECTOR.**

**R1 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE
R2 BY ADV. SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD
SRI.THOMAS MATHEW NELLIMOOTTIL**

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

sts

WP(C).NO.11689/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE PRAYER CALENDAR OF THE 3RD RESPONDENT.**
- P2 COPY OF THE REPORT OF THE INSPECTION CONDUCTED AT THE
DHYANAKENDRAN IN PURSUANCE TO DIRECTION OF THIS HON'BLE COURT
ON 12/12/1998.**
- P3 COPY OF THE COMPLAINT DATED 21/1/2015 BEFORE THE 1ST RESPONDENT**
- P4 COPY OF THE RECEIPT ISSUED BY THE OFFICE OF THE 1ST RESPONDENT
22/1/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 11689 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 or any other writ order or direction to the respondents 1 and 2 to take appropriate action for preventing sound pollution from the Chittur Dhynakendram
- (ii) To command the respondents 1 and 2 to see that the 3rd respondent does not emit sound in excess of the permissible limit under the noise pollution (Regulation and Control) Rules 2000
- (iii) To restrain the 3rd respondent from causing sound pollution by using loud speakers in the Dhyanakendram
- (iv) Issue a writ of mandamus or any other order or direction to the 1st respondent to register a case against the 3rd respondent in the light of Ext. P3 complaint.
- (v) declare that the 3rd respondent is duty bound to maintain the air quality standard prescribed in Noise Pollution (Regulation and Control) Rules, 2000;
- (vi) Award cost to the petitioner;
- (vii) Issue such other writ order or direction as this Hon'ble Court may deem fit in the facts and circumstances of the case.

2. The learned Government Pleader submits, on instructions, that the factual position has been verified by taking appropriate steps and it has been found that there is no noise pollution as on date and if at all any noise pollution is there, appropriate remedial steps will be taken against the 3rd respondent and will ensure that the noise level is brought within the prescribed limit.

3. In the said circumstances, there will be a direction to the 2nd respondent to conduct a random inspection during day time and night time, to ascertain whether any noise pollution is being caused by the petitioner. If any violation is noticed, it shall be reported to the first respondent for appropriate action.

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

The Writ Petition is disposed of.

Sd/-

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

kmd