IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 16829 of 2012 (C)

PETITIONER(S):

THOMAS,
AGED 54 YEARS, S/O. THOBIAS,
MATTAYIL HOUSE, WARD NO. 6,
NEENDAKARA, KARUNAGAPPILLY TALUK,
KOLLAM DISTRICT.

BY ADVS.SRI.C.RAJENDRAN &
SMT.R.S.SREEVIDYA.

RESPONDENT(S):

1. **NEENDAKARA GRAMA PANCHAYATH,**
OFFICE OF THE NEENDAKARA GRAMA PANCHAYATH,
NEENDAKARA P.O., KOLLAM,
REPRESENTED BY ITS SECRETARY,
PIN-691 582.

2. **THE DISTRICT COLLECTOR,**
COLLECTORATE, KOLLAM-691 013.

3. **THE ENVIRONMENTAL ENGINEER,**
THE KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, KOLLAM-691 001.

4. **THE DISTRICT OFFICER,**
OFFICE OF THE DISTRICT MEDICAL OFFICE,
COLLECTORATE, KOLLAM-691 013.

5. **LIEN THOMAS HENTRI,**
LACSON HOUSE, WARD NO. 6, NEENDAKARA,
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT-690 518.

R3 BY SRI.M.R.ARUNKUMAR, SC, POLLUTION CONTROL BOARD,
R1 BY ADV. SRI.M.SASINDRAN &
BY GOVERNMENT PLEADER SRI. NOUSHAD THOTTATHIL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1- **TRUE COPY OF THE PETITION SUBMITTED TO THE 1ST RESPONDENT ON 25/05/2011.**

EXHIBIT P2- **TRUE COPY OF THE MASS PETITION SIGNED BY 22 PERSONS GIVEN TO THE DISTRICT COLLECTOR.**

EXHIBIT P3- **TRUE COPY OF THE NOTICE DATED 09/05/2012 ISSUED BY THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

EXHIBIT R1(A)- **TRUE COPY OF THE REQUISTION SENT BY THIS RESPONDENT TO THE HEALTH INSPECTOR DATED 29/07/2011.**

EXHIBIT R1(B)- **TRUE COPY OF THE REPORT DATED 09/08/2011 MADE BY THE MEDICAL OFFICER OF CHAVARA CHC.**

EXHIBIT R1(C)- **TRUE COPY OF THE NOTICE NO.2765/11 DATED 17/08/2011 ISSUED BY THIS RESPONDENT TO THE 5TH RESPONDENT.**

EXHIBIT R1(D)- **TRUE COPY OF THE NOTICE DATED 13/06/2012.**

EXHIBIT R1(E)- **TRUE COPY OF THE LETTER FROM THE DEPUTY DIRECTOR OF PANCHAYATH DATED 04/07/2012.**

EXHIBIT R1(F)- **TRUE COPY OF THE COMPLAINT FILED BY THE INHABITANTS DATED 12/06/2012.**

EXHIBIT R1(G)- **TRUE COPY OF THE REPLY SENT BY THE RESPONDENT TO DEPUTY DIRECTOR OF PANCHAYATH DATED 16/07/2012.**

EXHIBIT R1(H)- **TRUE COPY OF THE REQUISITION DATED 11/07/2012 MADE BY THIS RESPONDENT TO THE POLICE.**

EXHIBIT R1(I)- **TRUE COPY OF THE RESOLUTION PASSED BY THIS RESPONDENT DATED 14/08/2012.**

EXHIBIT R1(J)- **TRUE COPY OF THE REQUISITION DATED 16/08/2012 MADE TO THE SHO OF CHAVARA POLICE STATION.**

EXHIBIT R1(K)- **TRUE COPY OF THE ORDER DATED 13/07/2012 ISSUED BY THE 1ST RESPONDENT.**

EXHIBIT R1(L)- **TRUE COPY OF THE NOTICE DATED 13/07/2012 ISSUED BY THIS 1ST RESPONDENT.**

EXHIBIT R1(M)- **TRUE COPY OF THE LETTER DATED 27/08/2012 ISSUED BY THIS 1ST RESPONDENT TO THE PETITIONER.**

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V.RAMAKRISHNA PILLAI, J

WPC No.16829 of 2012

Dated this the 5th day of March, 2015

JUDGMENT

The petitioner has approached this Court for a direction to the first respondent to stop the functioning of the peeling shed run by the 5th respondent, which according to the petitioner, is without any permit. The petitioner has a further case that the shed in which the peeling was conducted was an unauthorised construction.

2. Today when the matter came up for hearing, the learned counsel for the Pollution Control Board and the learned standing counsel for the respondent Panchayat, on instructions, submitted that on account of the interference by the first respondent, the peeling shed has been closed.

3. The learned counsel for the petitioner would submit that the shed remains in the site, which was constructed unauthorisedly by the first respondent and therefore, the same has to be directed to be removed. In

answer to the submission, the learned counsel for the first respondent submitted that the party respondent has approached the Tribunal for Local Self Government in Appeal No.662/2012 and a stay has been granted.

In the light of the said submission, this writ petition is closed directing the first respondent to remove the unauthorised construction, if there is no other legal impediment.

sd/-A.V.RAMAKRISHNA PILLAI
JUDGE

css/ true copy

P.S.TO JUDGE