

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYASHTA, 1937

WP(C).No. 14331 of 2015 (N)

PETITIONER(S) :

**P.S.KRISHNA PILLAI,
ADVOCATE, MRRA-21 B, MILLENIUM LANE,
MANIMALA ROAD, EDAPPALLY, KOCHI- 24.**

BY ADV. SRI.T.MADHU

RESPONDENT(S) :

- 1. THE SECRETARY, CORPORATION OF COCHIN,
PARK AVENUE, KOCHI- 682 011.**
- 2. THE HEALTH INSPECTOR,
EDAPPALLY ZONE, ZONAL OFFICE, CORPORATION OF COCHIN,
EDAPPALLY, KOCHI- 682 024.**
- 3. V.M.MATHAI,
MRRA-11 (7 PALACE GARDEN), MANIMALA ROAD, EDAPPALLY,
KOCHI- 682 024.**
- 4. P.K.NANDAKUMAR.
MRRA 21A, PAYYAPPALLY HOUSE, MILLENNIUM LANE,
MANIMALA ROAD, EDAPPALLY, KOCHI- 682 024.**

**R1&2 BY ADV. SRI.K.ANAND, S.C
BY ADV. SRI.P.K.SOYUZ, S.C
R3 & R4 BY ADVS. SRI.S.SUNIL KUMAR (PALAKKAD)
SRI.K.J.SUNIL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE PHOTOCOPY OF UNDATED DISCHARGE SUMMARY ISSUED TO PETITIONER FROM AMRITHA HOSPITAL, PONEKKARA, ERNAKULAM.**
- P2: TRUE PHOTOCOPY OF PETITIONER'S COMPLAINT DATED 08.04.2015 BEFORE THE 1ST RESPONDENT.**
- P2(A): TRUE PHOTOCOPY OF THE RECEIPT NO.12418 DATED 10.04.2015 ISSUED ON BEHALF OF 1ST RESPONDENT.**
- P3: TRUE PHOTOCOPY OF PETITIONER'S COMPLAINT DATED 18.04.2015 BEFORE 2ND RESPONDENT.**
- P3(A): TRUE PHOTOCOPY OF RECEIPT NO.13381 DATED 20.04.2015 ISSUED BY CORPORATION OF COCHIN FOR THE SAME.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

Msd

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 14331 of 2015

Dated this the 10th day of June, 2015.

JUDGMENT

The petitioner who is a resident of Millennium Lane in Manimala road, Edappally, Kochi, alleges that the fourth respondent permitted the third respondent to dump solid waste in the compound adjacent to the petitioner's residence and it causes serious air pollution and health hazard including breathing problems to the petitioner and members of his family. It is alleged that in spite of repeated requests, the third respondent does not care to remove it from there. The petitioner submitted Exts.P2 and P3 complaints before respondents 1 and 2 requesting to invoke their statutory powers under the Kerala Municipalities Act, 1994. But no action has been taken from the side of respondents 1 and 2. It is with this background, the petitioner has come before this Court.

2. This Court by interim order dated 12.5.2015

directed the second respondent to take immediate measures to prevent respondents 3 and 4 or any other person from dumping any solid waste or other materials in the adjacent property belonging to the petitioner.

3. Today, when the matter came up for hearing, the learned Standing Counsel for the respondent Corporation on instructions submitted that the M-sand alleged to have been deposited in the property of respondents 3 and 4 will not cause any environmental problem due to rain during monsoon season. It is also stated that the property of the petitioner and the property wherein the M-sand was seen spread is separated by a wall having a height of more than six feet.

4. The learned counsel for respondents 4 and 6 has produced photographs showing the present lie of the property as well as the M-sand, which is now seen spread in the property of respondents 3 and 4.

5. Though the learned counsel for the petitioner strenuously argued that the presence of the M-sand would

worsen the situation, I am not inclined to accept the said argument as the quantity of the M-sand is negligible as could be seen from the photographs. As the respondent Corporation has taken care to see that the order of this Court is implemented, this Court is of the definite view that there is no need to proceed with the writ petition.

Therefore, the writ petition is closed. If the petitioner has a case that respondents 3 and 4 are causing nuisance to the residents, it shall be open to the petitioner to approach the competent civil forum for redressing his grievance.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.