

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WP(C).No. 14588 of 2015 (W)

PETITIONER(S):

P.G.JOSEPH,
AGED 69 YEARS, S/O.GEORGE, PERUMPALLY HOUSE,
KUMBALANGHI, KOCHI-682 007.

BY ADV. SRI.NOBLE MATHEW

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF HEALTH,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY THE SENIOR ENVIRONMENTAL ENGINEER,
GANDHINAGAR, KOCHI-20.
3. KUMBALANGHI GRAMA PANCHAYATH,
KUMBALANGHI, KOCHI-682 007,
REPRESENTED BY ITS SECRETARY.
4. ASSUMPTIA JOSEPH,
THOLAT AGENCIES, 111/186(A), KUMBALANGHI,
KOCHI-682 007.
- *5. BAPPU JOSEPH,
THOLAT AGENCIES, 111/186, KUMBALANGHI,
KOCHI-682 007. (*Deleted)

(*R5 IS DELETED AS PER ORDER DATED 09/06/2015 IN IA
NO.7242/2015).

R3 BY ADV. SRI.S.SHANAVAS KHAN,
R4 BY ADV. SRI.N.N.SUGUNAPALAN (SR.),
R4 BY ADV. SRI.S.SUJIN,
BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA &
BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1- TRUE PHOTOCOPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED
19.6.2002 IN O.P.NO.8669/2000.

EXT. P2- TRUE COPY OF THE LOCATION SKETCH EXHIBITING THE PLACES
WHERE RESPONDENTS 4 AND 5 ARE CONSTRUCTING THE TEMPORARY
SHED ILLEGALLY TO BE USED AS A GODOWN.

EXT. P3- TRUE PHOTOCOPY OF THE REPRESENTATION FILED BY THE
PETITIONER BEFORE RESPONDENT NOS.2 AND 3 DATED 31.3.2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 14588 of 2015

Dated this the 9th day of June, 2015

J U D G M E N T

Alleging inaction on the part of respondents 2 and 3 in taking steps against the illegal construction by respondents 4 and 5, the petitioner has come up before this Court.

2. The petitioner alleges that respondents 4 and 5 are attempting to construct and complete a temporary building on the northern side of the petitioner's boundary wall without leaving any space for the purpose of stocking iron, steel and PVC rods as also for stocking glasses, in spite of the lawful directions of this Court in Ext.P1 judgment. The petitioner's grievance is that though respondents 4 and 5 are proceeding with the illegal construction and illegal actions without any lawful licence/consent from respondents 2 & 3, they are not taking any action against the illegal construction. Hence, this writ petition.

3. Arguments have been heard.

4. As it appears from record that the petitioner has

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submitted Ext.P3 representation before respondents 2 and 3, this Court is of the view that this writ petition can be disposed of directing respondents 2 and 3 to consider and pass appropriate orders on Ext.P3 after affording the petitioner and the affected parties an opportunity of being heard within a time frame.

Therefore, this writ petition is disposed of directing respondents 2 and 3 to consider and pass appropriate orders on Ext.P3 after affording the petitioner and the affected parties an opportunity of being heard within a period of the one month from the date of receipt of a copy of this judgment. In the meanwhile, the respondent panchayath shall ensure that no unauthorized construction is being carried out by respondents 4 & 5.

To facilitate an early action, the petitioner shall be at liberty to produce copies of this judgment and the writ petition before respondents 2 & 3 at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-