

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 15368 of 2015 (U)

PETITIONER(S) :

METTY FRANCIS,
AGED 61 YEARS, W/O.JOHN PAUL,
RESIDING AT KATTIKATTU HOUSE,
THAZHUTHINGAL ROAD, AROOR P.O., ALAPPUZHA DISTRICT.

BY ADVS.SRI.T.MADHU
SRI.B.S.SURAJ KRISHNA.

RESPONDENT(S) :

1. THE AROOR GRAMA PANCHAYATH,
AROOR PO, CHERTHALA,
ALAPPUZHA DISTRICT - 688 534,
REPRESENTED BY ITS SECRETARY.
2. THE SUB COLLECTOR,
ALAPPUZHA, ALAPPUZHA DISTRICT - 688 001.
3. KUNJUMON @ SEBASTIAN T.S.,
S/O. KARLOSE RESIDING AT THAIKKALA MURI,
THAZHUTHINGAL ROAD, AROOR P.O.,
ALAPPUZHA DISTRICT - 688 534.

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: THE TRUE COPY OF THE MEDICAL CERTIFICATE DATED 9.1.2015 ISSUED BY THE LAKESHORE HOSPITAL AND RESEARCH CENTRE LTD, ERNAKULAM.

EXHIBIT P2: THE TRUE COPY OF THE REPRESENTATION DATED 3.9.2014 SUBMITTED BY THE HUSBAND OF THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXHIBIT P3: THE TRUE COPY OF THE REPRESENTATION DATED 6.11.2014 SUBMITTED BY THE HUSBAND OF THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXHIBITP4: THE TRUE COPY OF THE REPRESENTATION DATED 20.12.2014 SUBMITTED BY THE HUSBAND OF THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 15368 of 2015

Dated this the 26th day of May, 2015

J U D G M E N T

Alleging inaction on the part of the respondent panchayath in considering Exts.P2 & P3 representations, the petitioner has come up before this Court.

2. The petitioner is a permanent resident of Ward No.19 of the 1st respondent panchayath. She alleges that on the western boundary of her property, where she resides, the 3rd respondent is running a flour mill. The petitioner alleges that the 3rd respondent, in violation of the licence conditions, by which he was authorized to pulverize rice and wheat only, other items like chilly, turmeric, pepper, curry masalas etc. are powdered, which causes environmental pollution. According to the petitioner, she is a chronic asthma patient under treatment since 2007. The petitioner also alleges that because of the miserable situation, she had to leave her

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house. No measure has been taken by the 3rd respondent to prevent the dust spreading in the air on account of the functioning of the flour mill; so alleges the petitioner. Therefore, she submitted Exts.P2 and P3 representations before the 1st respondent, who is statutorily bound to consider the same. However, it did not evoke any positive response. It is with this background, the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader, who appeared for the 2nd respondent.

4. When the matter was taken up, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the 1st respondent to consider and pass appropriate orders on Exts.P2 & P3 representations within a time frame.

5. Considering the nature of the submission, this Court is of the view that the writ petition can be disposed of even without issuing notice to respondents 1 and 3.

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Therefore, the writ petition is disposed of directing the 1st respondent to consider and pass appropriate orders on Exts.P2 & P3 representations after affording the petitioner and the affected parties (the 3rd respondent), if any, an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the 1st respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-