

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No. 19359 of 2015 (T)

PETITIONERS :

- 1. N.M.VARGHESE, AGED 47 YEARS, PRESIDENT
ROYAL RESIDENT APARTMENT OWNERS ASSOCIATION,
PULPARAMBU ROAD, MUVATTUPUZHA.**
- 2. SANTHOSH,
ROYAL FLAT, PULPARAMBU ROAD, MUVATTUPUZHA.**

BY ADV. SRI.R.RAMADAS

RESPONDENTS :

- 1. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD, 1ST FLOOR,
MANNA RESIDENCY, M.C.ROAD, PERUMBAVOOR 683542.**
- 2. THE ASSISTANT ENGINEER,
PUBLIC HEALTH SECTION, KERALA WATER AUTHORITY
MUVATTUPUZHA - 686661.**
- 3. VIJAYAKUMARI,
KOLLAPARAMBIL HOUSE, NEAR N.G.O QUARTERS,
MUVATTUPUZHA - 686661.**
- 4. THE SECRETARY,
MUVATTUPUZHA MUNICIPALITY,
MUVATTUPUZHA - 686661.**

R1 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD

R2 BY ADV. SRI.GEORGE MATHEW, SC,

R3 BY ADV. SRI.N.JAGATH

R4 BY ADV. SRI.V.M.KURIAN, SC, MUVATTUPUZHA MUNICIPALITY

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: A TRUE COPY OF THE REGISTRATION CERTIFICATE DATED 23.6.2010 ISSUED BY HTE REGISTRAR OF SOCIETIES.
- P2: A TRUE COPY OF THE STATEMENT DATED 21.4.2015 SUBMITTED BY THE SECRETARY OF MUVATTUPUZHA MUNICIPALITY BEFORE THE HONOURABLE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS.
- P3: TRUE COPY OF THE DIRECTION DATED 19.5.2015 ISSUED BY THE 2ND RESPONDENT TO THE SECRETARY OF THE ASSOCIATION.
- P4: TRUE COPY OF HTE NOTICE DATED 2.6.2015 ISSUED BY THE 2ND RESPONDENT TO THE SECRETARY OF THE ASSOCIATION.
- P5: TRUE COPY OF HTE NOTICE DATED 2.6.2015 ISSUED BY THE 2ND RESPONDENT TO THE BUILDER BABY PHILIP.
- P6: TRUE COPY OF THE NOTICE DATED 2.6.2015 ISSUED BY THE 2ND RESPONDENT TO ONE OF THE RESIDENT MR.SANTHOSH

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 19359 of 2015

Dated this the 29th day of September, 2015

J U D G M E N T

Petitioners approached this Court challenging the disconnection of water supply by the Kerala Water Authority at the instance of the Pollution Control Board.

2. The Pollution Control Board issued notice to the builder of the Royal Flat to comply with the water pollution caused by the inmates of the Royal Flat. The builder has reported that he has no interest. Therefore, the Pollution Control Board directed the water authority to disconnect the supply.

3. Petitioners submitted that they are the President and Vice President respectively of the Royal Residents Apartment Owners Association.

4. This Court is of the view that an opportunity ought to have been given to the petitioners, if the Pollution Control Board is of the

view that the pollution is being caused by the residents of the apartment. Therefore, treating Ext.P3 as a notice, the petitioners shall appear before the Pollution Control Board. Thereafter, the Pollution Control Board shall give necessary suggestive measures to the petitioners to comply with and it is only on the failure of the petitioners to comply with the suggestive measures, further action shall be initiated in the matter. Water supply shall not be disconnected until fresh orders are passed by the Pollution Control Board.

In view of the above, this writ petition is disposed of.

SD/-

A.MUHAMED MUSTAQUE,
Judge

MBS/

WP(C).NO. 19359 OF 2015

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