

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 25940 of 2009 (J)

PETITIONER(S):

**UNITED INDIA INSURANCE COMPANY
LIMITED, REP. BY ITS SENIOR DIVISIONAL MANAGER
DIVISIONAL OFFICE NO.1
VETTUKATTIL BUILDINGS P.B. NO. 1823, M.G. ROAD
ERNAKULAM 682 016.**

BY ADV. SRI.T.J.LAKSHMANAN IYER

RESPONDENT(S):

- 1. THE CHAIRMAN AND MANAGING DIRECTOR,
FERTILISERS AND CHEMICALS TRAVANCORE LTD.
CORPORATION OFFICE, UDHYOGAMANDAL, ERNAKULAM.**
- 2. THE DISTRICT COLLECTOR, ERNAKULAM.**

**R1 BY ADV. SRI.E.K.NANDAKUMAR
R1 BY ADV. SRI.A.K.JAYASANKAR NAMBIAR
R1 BY ADV. SRI.K.JOHN MATHAI
R1 BY ADV. SRI.P.BENNY THOMAS
R1 BY ADV. SRI.P.GOPINATH
BY GOVERNMENT PLEADER SRI. S. JAMAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ds

WP(C).No. 25940 of 2009 (J)

APPENDIX

PETITIONER(S) EXHIBITS:

EXT.P1:- COPY OF THE ORDER DATED 19.3.2009 IN O.P.18109/1999.

EXT.P2:- COPY OF THE ORDER DATED 27.05.2009 OF THE 2ND RESPONDENT.

EXT.P3:- COPY OF THE RELEVANT PAGES OF THE PROCEEDINGS BEFORE THE COMMITTEE OF THE LOKSABHA.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

ds

K. VINOD CHANDRAN, J.

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W.P.(C) No.25940 of 2009 - J

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Dated this the 20th day of July, 2015

J U D G M E N T

The petitioner was aggrieved with Ext.P2 order passed by the District Collector, the 1st respondent herein. Ext.P2 order was one passed in pursuance to Ext.P1. The issue raised in the aforesaid proceedings is the liability of the insurer under the Public Liability Insurance Act, 1991. Admittedly the 1st respondent is insured with the petitioner herein. The damages suffered by some residents of the locality is on the alleged toxic expulsion from the 1st respondent, which damage was to be indemnified by the petitioner. The residents of the locality had raised the claim. All the residents were initially impleaded in the earlier writ petition, which was disposed of by Ext.P1. The District Collector was directed to hear the matter afresh after hearing the insurer, the insured as also the affected parties.

2. Specific notices were issued to the affected parties also and Ext.P2 order was passed. Ext.P2 order also speaks of appearance of the affected parties and in the case of those, who were no more, their legal heirs had appeared. However, the writ petition was filed without impleading any of the affected parties. In fact by an order dated 15.09.2009, it was directed that the petitioner would deposit the admitted amount of 1,20,000/- with the District Collector, Ernakulam and the District Collector was to furnish the names and addresses of the beneficiaries of Ext.P2 to the petitioner within ten days, for facilitating their impleadment. Even otherwise the beneficiaries were available before the District Collector and they had been impleaded in the earlier writ petition as is evident from Ext.P1 order. The petitioner has not impleaded any of the affected parties in the above writ petition, despite specific directions on that count.

3. If the money has been deposited with the District Collector as directed in order dated 15.09.2009, then necessarily

the same shall be distributed to the beneficiaries of Ext.P2, if not already done. If no amounts have been deposited, then definitely proceedings would be taken against the petitioner for realisation of the amount as per Ext.P2 order.

The writ petition would stand dismissed.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

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// true copy //

P.A to Judge.