

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).No. 22864 of 2015 (G)

PETITIONER(S) :

PAULIN EDISON,
AGED 46 YEARS, W/O.EDISON CHARLI, 'CHAITHANYA', ELIYANVILAKAM,
CHERUNNIYOOR P.O., VARKALA TALUK-695 142.

BY ADVS.SRI.S.KRISHNAKUMAR (VARKALA) ,
SRI.C.R.VIJAYAKUMARAN PILLAI,
SRI.A.CHANDRA BABU,
SRI.R.SANTHOSH (VARKALA) &
SMT.S.V.HARITHA.

RESPONDENT(S) :

1. HEALTH SECRETARY,
HEALTH & FAMILY WELFARE DEPARTMENT, GOVT. OF KERALA,
DIRECTORATE OF HEALTH SERVICES, GENERAL HOSPITAL JUNCTION,
KUNNUKUZHY, THIRUVANANTHAPURAM - 695 035.
2. THIRUVANANTHAPURAM DISTRICT COLLECTOR,
COLLECTORATE, KUDAPPANAKKUNU P.O., THIRUVANANTHAPURAM - 695 043.
3. CHERUNNIYOOR GRAMAPANCHAYATH,
REPRESENTED BY ITS SECRETARY, CHERUNNIYOOR P.O.,
VARKALA, THIRUVANANTHAPURAM-695 142.
4. HEALTH INSPECTOR,
CHERUNNIYOOR P.O., VARKALA, THIRUVANANTHAPURAM-695 142.
5. GEETHA @ ANIKOCHU,
AGED 51 YEARS, GEETHA BHAVAN, ALIYAMVILAKAM,
CHERUNNIYOOR P.O., VARKALA, THIRUVANANTHAPURAM-695 142.
6. ASHA,
AGED 26 YEARS, D/O.GEETHA, GEETHA BHAVAN, ALIYAMVILAKAM,
CHERUNNIYOOR P.O., VARKALA, THIRUVANANTHAPURAM-695 142.
7. SHIJU,
AGED 32 YEARS, GEETHA BHAVAN, ALIYAMVILAKAM,
CHERUNNIYOOR P.O., VARKALA, THIRUVANANTHAPURAM-695 142.
8. CIRCLE INSPECTOR OF POLICE,
OFFICE OF THE CIRCLE INSPECTOR OF POLICE, VARKALA,
VARKALA P.O., THIRUVANANTHAPURAM-695 141.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1 - THE TRUE COPY OF THE REPRESENTATION DATED 20/07/2015 GIVEN TO THE RESPONDENT NO.1 TO 4.
- EXT. P2 - THE TRUE COPY OF THE APPLICATION DATED 15.07.2015 SUBMITTED UNDER RIGHT TO INFORMATION ACT BEFORE THE 3RD RESPONDENT.
- EXT. P3 - THE TRUE COPY OF THE COMPLAINT DATED 15.07.2015 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT. P4 - THE TRUE COPY OF THE RECEIPT NO.3949 DATED 15.07.2015 ISSUED BY THE 3RD RESPONDENT.
- EXT. P5 - THE TRUE COPY OF THE COMPLAINT DATED 15.07.2015 FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.
- EXT. P6 - THE TRUE COPY OF THE COMPLAINT DATED 04.06.2015 FILED BY THE PETITIONER BEFORE THE RESPONDENT NO.8.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22864 of 2015

Dated this the 30th day of July, 2015

J U D G M E N T

The petitioner is seeking a direction to consider Ext.P1 representation and Ext.P6 complaint submitted by the petitioner before respondents 1 to 4 and before the 8th respondent respectively.

2. The petitioner alleges that respondents 5 to 7, who are the owners of the property adjacent to the residence of the petitioner and her family, are illegally operating a poultry farm under the name and style 'Karthika Poultry Farm', without any licence from the authority. According to her, the illegal functioning of the aforesaid poultry farm is causing so inconvenience to the petitioner and nearby residents. She further alleges that waste disposal system is not yet implemented in the aforesaid farm and the water in the petitioner's well is contaminated due to the waste from the farm. According

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to her, a large number of crows assemble in the surroundings of the aforesaid poultry farm, which carry waste from the aforesaid poultry farm and leave in the well, front yard and other places of the petitioner's property. The air is also polluted due to foul smell; and the petitioner is compelled to prepare and take food in malodorous situation; it is alleged. The petitioner's grievance is that though she submitted Exts.P1, P3, P5 & P6 complaints, the same have not been considered yet. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondents to consider the representations submitted by the petitioner within a time frame, this Court is of the view that the writ petition can be disposed of even without issuing notice to the respondents.

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Therefore, the writ petition is disposed of directing respondent 1 to 4 to consider and pass appropriate orders on Ext.P1 and directing the 8th respondent to consider and pass appropriate orders on Ext.P6 complaint after affording the petitioner as well as respondents 5 to 7 an opportunity of being heard within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-