

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 23226 of 2014 (S)

PETITIONER :

**BABU K.S.,
S/O.SANKARAN, AGED 46 YEARS
KUMARATHINAL HOUSE, 200 ACRE
MANNAMKANDOM P.O., IDUKKI DISTRICT.**

**BY ADVS.SRI.S.JIJI
SRI.NAIJU RAVINDRANATH**

RESPONDENT(S) :

- 1. THE ADIMALI GRAMA PANCHAYATH
ADIMALI, IDUKKI - 685 561, REPRESENTED BY ITS SECRETARY.**
- 2. THE REVENUE DIVISIONAL OFFICER
OFFICE OF THE R.D.O., DEVIKULAM, IDUKKI DISTRICT - 685 613.**
- 3. THE DISTRICT MEDICAL OFFICER,
OFFICE OF THE D.M.O., PAINAVE, IDUKKI - 685 602.**
- 4. THE DISTRICT OFFICER,
POLLUTION CONTROL BOARD, CIVIL STATION,
IDUKKI - 685 602.**

**R1 BY ADV. SRI.LATHEESH SEBASTIAN
R2 & R3 BY SPL. GOVT. PLEADER SMT. GIRIJA GOPAL
R4 BY ADV. SRI. M.AJAY, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1 PHOTOGRAPHS OF THE PUBLIC COMFORT STATION AT ADIMALY BUS
STAND AND ITS PREMISES.

EXHIBIT P2 COPY OF ONE NEWS ITEM PUBLISHED IN MALAYALA MANORAMA
DAILY DATED 18/2/2014.

EXHIBIT P2(a) ENGLISH TRANSLATION OF EXHIBIT P2.

EXHIBIT P3 COPY OF ANOTHER NEWS ITEM PUBLISHED IN KERALA KAUMUDI
DAILY DATED 30/4/2014.

EXHIBIT P3(a) ENGLISH TRANSLATION OF EXHIBIT P3.

EXHIBIT P4 COPY OF THE NOTICE DATED 6/12/2012.

EXHIBIT P4(a) ENGLISH TRANSLATION OF EXHIBIT P4.

EXHIBIT P5 COPY OF THE MEMORANDUM DATED 9/1/2014.

EXHIBIT P5(a) ENGLISH TRANSLATION OF EXHIBIT P5.

EXHIBIT P6 COPY OF THE MEMORANDUM DATED 6/3/2014.

EXHIBIT P6(a) ENGLISH TRANSLATION OF EXHIBIT P6.

EXHIBIT P7 COPY OF THE LETTER DATED 18/6/2014 ISSUED BY THE 2ND
RESPONDENT.

EXHIBIT P7(a) ENGLISH TRANSLATION OF EXHIBIT P7.

EXHIBIT P8 COPY OF THE LETTER DATED 20/6/2014 ISSUED BY THE 3RD
RESPONDENT TO THE 1ST RESPONDENT.

EXHIBIT P8(a) ENGLISH TRANSLATION OF EXHIBIT P8.

EXHIBIT P9 COPY OF THE QUERY MADE UNDER RTI ACT DATED 16/7/2014.

EXHIBIT P9(a) ENGLISH TRANSLATION OF EXHIBIT P9.

RESPONDENT(S)' ANNEXURES :

ANNEXURE R4(1) COPY OF THE LETTER NO. PCB/IDK/COMP/44/2014 DATED
1.1.2015 ADDRESSED TO SECRETARY, ADIMALY GRAMA
PANCHAYATH.

//TRUE COPY//

P.A. TO JUDGE

Mn

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.23226 of 2014

Dated this the 20th day of August 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court by filing this public interest litigation seeking for a direction to the respondents to take necessary measures to ensure pollution free facility in the Adimali private bus stand. It is stated that appropriate facilities are not available in the form of public latrine for the commuters and the existing facility was not catering to the needs of the public.

2. Counter affidavit has been filed by the 4th respondent inter alia stating that public comfort station owned by Grama Panchayath of Adimali is situated in the private bus stand and urinal facility, toilets, bath rooms are included in this in comfort station. When the Board officials visited the site on 21/11/2014, they could not ascertain the capacity and adequacy of underground septic tank constructed for the public comfort station. It was also stated that the provision of sewage treatment plant/septic tank/ - soak pit facility with adequate capacity and to stop the flow of sewage from the comfort station to the drain may

abate the pollution problems due to the functioning of the said public comfort station.

3. Learned counsel appearing for the respondent Grama Panchayath submits that the public comfort station had already been renovated and necessary steps have been taken to complete the work without causing any pollution, as alleged by the petitioner.

4. The learned counsel for the petitioner however would submit that despite renovation of the public comfort station, still there is some form of pollution as the odour emanating from the public comfort station is causing nuisance to the public.

5. Having regard to the aforesaid factual situation, we direct the respondents to ensure that day to day cleanliness or hygienic treatment is made to the comfort station to avoid any form of pollution to the public.

With the above observation, this writ petition is disposed of.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

