

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937**

**WP(C).No. 23232 of 2015 (D)**  
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**PETITIONER :**  
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**LATHEESH E.,  
EDAPATTHUKUDI VEEDU,  
NADUVANOOR, KOZHICODE.**

**BY ADV. SRI.MANSOOR B.H.**

**RESPONDENT(S) :**  
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- 1. THE ENVIRONMENTAL ENGINEER.  
KERALA STATE POLLUTION CONTROL BOARD  
DISTRICT OFFICE, KOZHICODE - 673001.**
- 2. NADUVANNUR GRAMA PANCHAYATH,  
P.O.NADUVANNUR, KOZHICODE DISTRICT, PIN - 673614  
REPRESENTED BY ITS SECRETARY.**
- 3. KASIM P.,  
PUTHUKUDI, NADUVANOOR,  
KOZHICODE - 673614.**

**R1 BY ADV. SRI. M.AJAY, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**Mn**

**...2/-**

**WP(C).No. 23232 of 2015 (D)**  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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**EXT.P1.            A TRUE COPY OF THE COMPLAINT DATED 20/6/2015 AND ITS  
RECEIPT.**

**RESPONDENT(S)' EXHIBITS :        NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

**A.V. RAMAKRISHNA PILLAI, J.**

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W.P.(C) No. 23232 of 2015  
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Dated this the 4<sup>th</sup> day of August, 2015

**J U D G M E N T**

The petitioner is aggrieved by the establishment of M-sand unit, which, according to the petitioner, was established without considering the objections of nearby residents. He is seeking a direction to the 2<sup>nd</sup> respondent to consider Ext.P1 representation.

2. The petitioner alleges that the unit is situated adjacent to the Raman River, which, according to the petitioner, is the main drinking water source of the area. According to him, the water from the said river is being used for Chittarickal Drinking Water Project implemented utilizing an amount of ₹18 crores under the Jalanidhi Project. The grievance of the petitioner is that the 3<sup>rd</sup> respondent is establishing the M-sand unit without obtaining consent from the Kerala State Pollution Control Board. According to the petitioner, there is 50 families residing in the area and the distance between the petitioner's house and the sand washing unit of the 3<sup>rd</sup> respondent is only 50 metres. It is further

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alleged that the rock dust and rock powder from various quarries are being transported to the unit and the same is dumped in the public road, causing dust pollution and serious health problems to the people residing in the locality. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the 1<sup>st</sup> respondent.

4. As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the 2<sup>nd</sup> respondent, this Court is of the view that the writ petition can be disposed of even without issuing notice to respondents 2 & 3.

Therefore, the writ petition is disposed of directing the 2<sup>nd</sup> respondent to consider Ext.P1 representation and pass appropriate orders on the same after affording the petitioner and the 3<sup>rd</sup> respondent an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, it shall be open to the petitioner to produce a copy of this judgment and a copy of the writ petition at the earliest.

Sd/-  
**A.V. RAMAKRISHNA PILLAI**  
**JUDGE**

bka/-