

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).No. 28625 of 2010 (C)

PETITIONER:

JOY MATHEW, AGED 41, S/O. P. J. MATHEW,
PANAKKAMANNIL HOUSE, JOB MASTER ROAD, NEAR ITI
HMT, POST, KALAMASSERY
ERNAKULAM. REPRESENTED BY HIS POWER OF ATTORNEY HOLDER AND,
FATHER P. J. MATHEW, AGED 70,
S/O. LATE P. C. JOHN, PANAKKAMANNIL HOUSE
KARIPPASSERY MUGAL, VADACODE PO,
ERNAKULAM, COCHIN – 682 021.

BY ADV. SRI. K. C. ELDHO

RESPONDENTS:

1. THE KALAMASSERY MUNICIPALITY
REPRESENTED BY ITS SECRETARY, KALAMASSERY POST
ERNAKULAM, PIN – 683 104..
2. THE HEALTH INSPECTOR,
KALAMASSERY MUNICIPALITY, KALAMASSERY POST,
ERNAKULAM, PIN – 683 104.
3. B. S. RAHIM, SUHARA MANZIL, JOB MASTER ROAD,
NEAR ITI, KALAMASSERY
H.M.T.P.O., PIN – 683 104
4. B. S. RAFEEQ, SUHARA MANZIL,
JOB MASTER ROAD, NEAR ITI, KALAMASSERY
H.M.T.P.O., ERNAKULAM DISTRICT, PIN – 683 104.
5. SHEEBA RAHIM, W/O. B. S. RAHIM,
SUHARA MANZIL, JOB MASTER ROAD, NEAR ITI
KALAMASSERY, H.M.T.P.O. ERNAKULAM DISTRICT, PIN – 683 104.

R1 & R2 BY SRI. M. K. ABOOBACKER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC.28625/10

PETITIONER'S EXTS:

EXT.P1: COPY OF COMPLAINT DT.21.5.10 SUBMITTED BY THE PETITIONER.

EXT.P2: COPY OF ACKNOWLEDGEMENT RECEIPT ISSUED BY THE 1ST
RESPONDENT QUOTING REFERENCE NO.5923/10.

RESPONDENTS' EXTS: NIL

TRUE COPY

P.S.TO JUDGE

dsn

ANIL K.NARENDRA, J

W.P.(C)No.28625 Of 2010

DATED THIS THE 18th DAY OF JUNE, 2015

JUDGMENT

The petitioner who is a resident of Thrikkakara North Village has filed this Writ Petition seeking a writ of mandamus commanding the first respondent to consider Ext.P1 application and to abate the nuisance caused by respondents 3 to 5 and to take immediate steps to rectify the threat caused to the petitioner and his family as prayed for in Ext.P2.

2. Going by the averments in the Writ Petition, there is an old compound wall of respondents 3 to 5 on the southern side of the petitioner's residential house, which is constructed with laterite stone and a portion of which has already been collapsed. According to the petitioner, the rest of the compound wall is on the verge of collapse. It was in such circumstances, the petitioner has submitted Ext.P1 complaint before the first respondent, which the first respondent had acknowledged as evidenced by Ext.P2 acknowledgement receipt. It is aggrieved by the inaction on the part of the first respondent in taking a decision on Ext.P2, the petitioner has approached this Court in this Writ Petition seeking various reliefs.

3. Though notice was served on respondents 3 to 5, they have not chosen to appear before this Court.

4. The learned Standing Counsel for the Municipality would submit that if the petitioner is having any subsisting grievance, he can make an appropriate representation before the first respondent, in which event, the 1st respondent shall consider the same and pass appropriate orders thereon, after hearing the affected parties.

5. In such circumstances, this Writ Petition is disposed of with the following directions.

- (i) If the petitioner is having any subsisting grievance against respondents 3 to 5, as stated in the Writ Petition, it is for him to submit an appropriate representation before the first respondent within a period of two weeks from the date of receipt of a certified copy of this judgment.
- (ii) If any such representation is received, the first respondent shall consider and pass appropriate orders thereon, as expeditiously as possible, at any rate within a period of three months from the date of receipt of such representation, with notice to respondents 3 to 5.

Sd/-

ANIL K.NARENDRA, JUDGE