

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 30331 of 2012 (N)

PETITIONER(S):

**ARNOLD RUSSEL ROBERTSON, AGED 43,
S/O.ROBERTSON, FLAT NO.5B3, STAR HOMES,
CHATHARI, THRIPUNITHURA, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.K.C.ELDHO
SRI.JIJO THOMAS
SRI.SURAJ.S**

RESPONDENT(S):

- 1. THRIPUNITHURA MUNICIPALITY,
THRIPUNITHURA P.O. - 682 301, ERNAKULAM DISTRICT,
REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY,
THRIPUNITHURA MUNICIPALITY,
THRIPUNITHURA.P.O. 682 301, ERNAKULAM.**

BY ADV. SRI.V.M.KURIAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 30331 of 2012 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT. P1- A TRUE COPY OF THE HEALTH CARD OF THE PETITIONER'S DOG 'DINGU'

EXT. P2- TRUE PHOTOGRAPHS OF THE PETITIONER'S DOG 'DINGU'

**EXT. P3- A TRUE COPY OF THE ORDER DATED 28.11.2012 ISSUED BY THE
2ND RESPONDENT.**

**EXT. P4- A TRUE COPY OF THE APPLICATION DATED 14.12.2012 SUBMITTED BY THE
PETITIONER BEFORE THE RESPONDENTS.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 30331 of 2012

Dated this the 15th day of January, 2015

J U D G M E N T

Aggrieved by the non-consideration of Ext.P4 submitted by the petitioner, he has come up before this Court.

2. The petitioner is a resident of Flat No.5B3 of Star Homes Apartment at Thripunithura. In the year 2007, the petitioner took a pup belonging to the dachshund breed and the dog is now five years old. According to the petitioner, the pet is well-groomed and healthy.

3. According to the petitioner, the pet has been living with them in their flat for the last two years; and till date, there has been no complaint from any quarters regarding any nuisance caused by the dog. However, on 12.12.2012, the petitioner was served with Ext.P3 order dated 28.11.2012 of the 2nd respondent directing the

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petitioner to remove the dog from his flat. It is at this juncture, Ext.P4 application was submitted by the petitioner.

As the limited prayer in the writ petition is for a consideration of Ext.P4 application, the writ petition is disposed of directing the 2nd respondent to consider and pass appropriate orders on Ext.P4 application after affording the petitioner an opportunity of being heard.

This exercise shall be completed within a period of one month from the date of receipt of a copy of this judgment. Further action on Ext.P3 shall be kept in abeyance till final orders are passed on Ext.P4.

To facilitate an early disposal, the petitioner shall be at liberty to produce a copy of this judgment along with a copy of the writ petition before the 2nd respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-