

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 30340 of 2012 (N)

PETITIONER(S):

V.A.SIVAN AGED 60 YEARS
MODERN AUTOMOBILES SERVICE STATION
THIRUVILLAMALA.P.O., THRISSUR DISTRICT, PIN-680588.

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

1. THE ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE, THRISSUR-680001.
2. THE DISTRICT MEDICAL OFFICER
(HEALTH), THRISSUR, PIN-680001.
3. HOTEL OAK TREE
BAR AND RESTAURANT, THIRUVILLAMALA
REPRESENTED BY ITS MANAGER, THRISSUR DISTRICT
PIN-680588.

R1 BY ADV. SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD
R2 BY GOVERNMENT PLEADER
R3 BY ADV. SRI.K.K.CHANDRAN PILLAI (SR.)
R3 BY ADV. SRI.THOMAS JAMES MUNDACKAL
R3 BY ADV. SRI.BOBBOY THOMAS
R3 BY ADV. SRI.ARUN ANTONY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

EXT.P1: TRUE COPY OF THE REPRESENTATION DATED 8/8/2012 SUBMITTED TO THE 1ST RESPONDENT.

EXT.P2: TRUE COPY OF THE REPRESENTATION DATED 8/8/2012 SUBMITTED TO THE 2ND RESPONDENT.

EXT.P3: TRUE COPY OF THE REPRESENTATION DATED 27/07/2012 SUBMITTED TO THE 1ST RESPONDENT.

EXT.P4: TRUE COPY OF THE REPRESENTATION DATED 27/7/2012 SUBMITTED TO THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS

ANNEXURE R1 (A) : TRUE COPY OF THE CONSENT TO ESTABLISH DATED 19.3.2009.

ANNEXURE R1 (B) : TRUE COPY OF THE LETTER DATED 31.12.2012.

ANNEXURE R1 (C) : TRUE COPY OF THE ANALYSIS REPORT NO.32978 DATED 18.2.2013

ANNEXURE R1 (D) : TRUE COPY OF THE ANALYSIS REPORT NO.32984 DATED 18.2.2013

ANNEXURE R1 (D) : TRUE COPY OF THE SHOW CAUSE NOTICE DATED 21.2.2013.

//TRUE COPY //

P.S. TO JUDGE.

soil.

A.V.RAMAKRISHNA PILLAI, J

WPC No.30340 of 2012

Dated this the 16th day of January, 2015

JUDGMENT

This writ petition is filed for a direction to respondents 1 and 2 to take necessary action against the third respondent.

2. The petitioner is the resident of Thiruvilwamala. He is conducting an Automobile Service Station after obtaining necessary license from the departmental authorities including the local body. The petitioner alleges that a bar hotel run by the third respondent is situated adjacent to the service station of the petitioner and the said hotel is having no facilities for disposing waste materials. It was also alleged that an unused well is also situated in the property and a portion of the same was closed by constructing a structure over the well. The petitioner further alleges that human waste and other hotel waste are being dumped into the well, thereby polluting the water in the well situated in the property of

the petitioner. The petitioner further alleges that water in the neighboring wells also was contaminated due to the dumping of waste in the property of the third respondent. The petitioner further alleges that though the petitioner submitted a representation to various departmental authorities, no action has been taken in the matter.

3. The environmental engineer of the first respondent submitted a report that on the basis of the complaint from the petitioner, an enquiry was conducted on 5.10.2012 and 13.12.2012. In the report it is stated that the third respondent hotel had changed its name as Hotel Oak Tree and it was found working during inspection. Sewage Treatment Plant has been constructed by the hotel. The Analysis Report dated 31.10.2012 shows that well water of the petitioner is polluted due to the discharge of treated waste into the third respondent's well which is only at a distance of 3.4m. from the petitioner's well.

4. This Court on 3rd April 2013 granted an interim order for prohibiting the third respondent from conducting the hotel business for the time being, unless necessary

'consent to operate' from the Pollution Control Board after satisfying all the requirements vide Annexure R1(a) and causing the premises reinspected after meeting such requirements. The petitioner alleges that nothing has been done by the third respondent in the matter.

On a consideration of the materials now placed on record, this Court is of the view that the interim order already passed can be made absolute. Therefore, the writ petition is disposed of making the interim order absolute.

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

css/

true copy

P.S.TO JUDGE