

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

**PRESENT:**

**THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

**TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937**

**WP(C).No. 31309 of 2013 (K)**  
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**PETITIONER(S) :**  
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1. JOSE V.S.,  
VALLIKATTUKUZHAYIL HOUSE, MUTHOLY P.O.  
KOTTAYAM DISTRICT, PIN-686597.

2. THOMAS MATHEW  
VADAKKEMURIYIL HOUSE,  
MUTHOLY P.O., KOTTAYAM DISTRICT  
PIN-686597.

**BY ADV. SRI.GEORGEKUTTY MATHEW**

**RESPONDENT(S) :**  
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1. THE MUTHOLY GRAMA PANCHAYATH  
MUTHOLY P.O., KOTTAYAM DISTRICT, PIN-686597  
REPRESENTED BY THE SECRETARY.

2. THE PRESIDENT  
MUTHOLY GRAMA PANCHAYATH, MUTHOLY P.O.  
KOTTAYAM DISTRICT, PIN-686597.

3. LALY SEBASTIAN  
W/O.JOSEPH, VARAPARAMBIL HOUSE, MUTHOLY P.O.  
KOTTAYAM DISTRICT, PIN-686597.

4. THE ENVIRONMENTAL ENGINEER  
POLLUTION CONTROL BOARD, KOTTAYAM, PIN-686 501.

5. THE REVENUE DIVISIONAL OFFICER  
PALAI, PALAI P.O., KOTTAYAM DISTRICT-686572.

**R1 & R2 BY ADV. SRI.SUNIL CYRIAC, SC**

**R3 BY ADVS. SRI.MATHEW JOHN (K)**

**SRI.DOMSON J.VATTAKUZHAY**

**R4 BY ADV. SRI. M.AJAY, SC**

**R5 BY SR. GOVT. PLEADER SRI. M. MUHAMMED SHAFI M.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-10-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**Mn**

**...2/-**

**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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- EXHIBIT P1 :** TRUE COPY OF THE ORDER DT.13-2-2013 PASSED BY THE TRIBUNAL IN APPEAL NO.1070/2012.
- EXHIBIT P2 :** TRUE COPY OF THE CONSENT TO OPERATE ISSUED BY POLLUTION CONTROL BOARD TO THE 3RD RESPONDENT DT.8-8-12.
- EXHIBIT P3 :** TRUE COPY OF THE REPRESENTATION DT.9-11-2013 FILED BY THE PETITIONERS AND OTHERS BEFORE THE 4TH RESPONDENT.
- EXHIBIT P4 :** TRUE COPY OF THE REPRESENTATION DT.9-11-2013 FILED BY THE PETITIONERS AND OTHERS BEFORE THE 5TH RESPONDENT.
- EXHIBIT P5 :** TRUE COPY OF THE REPRESENTATION DT.9-11-13 FILED BY THE PETITIONERS AND OTHERS BEFORE THE 1ST RESPONDENT.
- EXHIBIT P6 :** TRUE COPY OF THE REPRESENTATION DT.9-11-13 FILED BY THE PETITIONERS AND OTHERS BEFORE THE 2ND RESPONDENT.
- EXHIBIT P7 :** TRUE COPY OF THE REPRESENTATION DT.9-11-13 FILED BY THE SECRETARY TO MANJANKKALKUNNU DRINKING WATER SUPPLY SOCIETY BEFORE RESPONDENT NO. 1 AND 2.

**RESPONDENT(S)' EXHIBITS & ANNEXURES :**  
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|-------------------|------------------------------------------------------------------------------------------------------------------------|
| <b>EXT. R3(a)</b> | <b>COPY OF THE NO OBJECTION CERTIFICATE DATED 8.10.2003 ISSUED BY THE 1ST RESPONDENT.</b>                              |
| <b>EXT. R3(b)</b> | <b>COPY OF THE CERTIFICATE OF REGISTRATION DATED 16.11.2005 ISSUED BY THE KHADI AND VILLAGE INDUSTRIES COMMISSION.</b> |
| <b>EXT. R3(c)</b> | <b>COPY OF THE REPORT OF THE SUB COMMITTEE.</b>                                                                        |
| <b>EXT. R3(d)</b> | <b>COPY OF THE APPLICATION FOR LICENSE SUBMITTED BY THIS RESPONDENT DATED 12.3.2012.</b>                               |
| <b>EXT. R3(e)</b> | <b>COPY OF THE LICENSE DATED 3.4.2012 ISSUED BY THE GRAMA PANCHAYATH.</b>                                              |
| <b>EXT. R3(f)</b> | <b>COPY OF THE RESOLUTION DATED 3.10.2012 BY THE 1ST RESPONDENT.</b>                                                   |
| <b>EXT. R3(g)</b> | <b>COPY OF THE LICENSE ISSUED BY THE SECRETARY OF THE GRAMA PANCHAYATH.</b>                                            |
| <b>EXT. R3(h)</b> | <b>COPY OF THE MEMORANDUM OF APPEAL FILED BY SRI. K.M. MATHEW.</b>                                                     |

(Contd...)

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| <b>EXT. R3(h)</b>     | <b>COPY OF THE WRITTEN STATEMENT FILED BY THIS RESPONDENT.</b>       |
| <b>EXT. R3(j)</b>     | <b>COPY OF THE WRITTEN STATEMENT FILED BY RESPONDENTS 1 AND 2.</b>   |
| <b>EXT. R3(k)</b>     | <b>COPY OF THE ORDER DATED 13.2.2013 IN APPEAL NO. 1070 OF 2012.</b> |
| <b>ANNEXURE R4(a)</b> | <b>COPY OF THE CONSENT TO ESTABLISH.</b>                             |
| <b>ANNEXURE R4(b)</b> | <b>COPY OF THE CONSENT TO OPERATE.</b>                               |
| <b>ANNEXURE R4(c)</b> | <b>COPY OF THE DIRECTION ISSUED TO THE 3RD RESPONDENT.</b>           |
| <b>ANNEXURE R4(d)</b> | <b>COPY OF THE REPLY FROM THE 3RD RESPONDENT.</b>                    |
| <b>ANNEXURE R4(e)</b> | <b>COPY OF THE RENEWAL OF CONSENT.</b>                               |

**//TRUE COPY//**

**P.S. TO JUDGE**

**Mn**

**A.M. SHAFFIQUE, J.**

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W.P. (C) No. 31309 of 2013

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Dated this, the 13<sup>th</sup> day of October, 2015

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

This is a writ petition filed by certain neighbours of the 3<sup>rd</sup> respondent, who is running a factory. The contention of the petitioners is that serious nuisance is being caused on account of pollution and though Ext.P6 complaint has been filed before the local authority, no action has been taken in the matter. Learned counsel for the petitioners submits that, for the time being, without going into the merits of the issues involved in the matter, it is enough that the local authority considers Ext.P6 and take necessary action within a time frame.

Having regard to the aforesaid submission, this writ petition is closed directing the 2<sup>nd</sup> respondent to consider Ext.P6 and pass appropriate orders within a period of three

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months from the date of receipt of a copy of this judgment after hearing all the affected parties including the 4<sup>th</sup> respondent.

Sd/-

**A.M. SHAFFIQUE, JUDGE**

Rp

13/10/2015

//True Copy//

P.S to Judge