

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 28679 of 2015 (H)

PETITIONER:

**MEERASAHIB, AGED 64 YEARS
S/O SAHIB RAWTHER,
CHAVADITHEKKETHIL VEEDU,
AZHOOR.P.O
PATHANAMTHITTA,
PATHANAMTHITTA DISTRICT,
PIN-689645.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENTS:

- 1. PATHANAMTHITTA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
PATHANAMTHITTA.P.O
PATHANAMTHITTA, PIN-689645.**
- 2. THE SECRETARY,
PATHANAMTHITTA MUNICIPALITY,
PATHANAMTHITTA.P.O
PATHANAMTHITTA, PIN-689645.**
- 3. THE PATHANAMTHITTA MUNICIPAL COUNCIL,
REPRESENTED BY ITS CHAIRMAN
PATHANAMTHITTA MUNICIPALITY,
PATHANAMTHITTA.P.O
PATHANATHITTA, PIN-689645.**
- 4. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD
DISTRICT OFFICE,
MAKKAMKUNNU,
PATHANAMTHITTA-689645.**
- 5. N.K.SHAJI,
PULINILKUNNATHIL HOUSE,
AZHOOR.P.O, PATHANAMTHITTA
PATHANAMTHITTA DISTRICT,
PIN-689645.**

WP(C).No. 28679 of 2015 (H)

**6. SINDHU SHAJI,
W/O.SHAJI, PULINILKUNNATHIL HOUSE,
AZHOOR.P.O
PATHANAMTHITTA,
PATHANAMTHITTA DISTRICT,
PIN-689645.**

**R1 TO R3 BY SRI.V.K.SUNIL SC, PATHANAMTHITTA MUNICIPALITY
R4 BY SRI.M.R.ARUNKUMAR, SC, POLLUTION CONTROL BOARD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 THE TRUE COPY OF THE COMPLAINT DATED 29/12/2014 SUBMITTED BY THE PETITIONER TO THE SECOND RESPONDENT
- P2 THE TRUE COPY OF THE RECEIPT DATED 29/12/2014 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER
- P3 THE TRUE COPY OF THE COMPLAINT DATED 29/12/2014 SUBMITTED BY THE PETITIONER TO THE FOURTH RESPONDENT
- P4 THE TRUE COPY OF THE RECEIPT DATED 29/12/2014 ISSUED BY THE FOURTH RESPONDENT TO THE PETITIONER
- P5 THE TRUE COPY OF LETTER NO.PCB/PTA/ICE/794/2014 DATED 24/01/2015 ISSUED BY THE FOURTH RESPONDENT TO THE PETITIONER
- P6 THE TRUE COPY OF THE COMPLAINT DATED 04.02.2015 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT
- P7 THE TRUE COPY OF THE CONSENT CERTIFICATE GIVEN BY THE FOURTH RESPONDENT TO THE RESPONDENTS 5 AND 6
- P8 THE TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 07/10/2014 ISSUED BY THE ASSISTANT DIVISIONAL OFFICER,FIRE AND RESCUE SERVICES, PATHANAMTHITTA TO THE SECOND RESPONDENT
- P9 THE TRUE COPY OF NOTICE NO.H1-8195/2015 ISSUED TO THE PETITIONER BY THE SECOND RESPONDENT
- P10 THE TRUE COPY OF NOTICE NO.H1-8195/2015 DATED 14/09/2015 ISSUED TO THE PETITIONER BY THE SECOND RESPONDENT
- P11 THE TRUE COPY OF THE AGENDA OF THE MEETING OF THE THIRD RESPONDENT MUNICIPAL COUNCIL TO BE HELD ON 23/09/2015
- P12 THE TRUE COPY OF MEDICAL CERTIFICATE OF THE PETITIONER
- P13 THE TRUE COPY OF MEDICAL CERTIFICATE OF THE PETITIONER'S SON.

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 28679 OF 2015

Dated this the 05th day of October, 2015

JUDGMENT

The petitioner objects to the grant of installation license sought for by respondents 5 and 6. The objections evidenced by Exts. P1 and P6 complaints has to be considered by the second respondent in terms of Section 448(3) of the Kerala Municipality Act. The petitioner as well as respondents 4 to 6 shall be put on notice and heard before the second respondent forwards any report to the third respondent Municipal Council.

2. It is only thereafter the third respondent can act on the report and deal with the application put in by respondents 5 and 6 for the grant of installation license. The final decision taken by the third respondent Municipal Council on the application for grant of installation license shall be duly communicated to the petitioner also. It is open to the petitioner or any other persons to pursue other remedies if aggrieved.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**