

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 32187 of 2015 (W)

PETITIONER :

**VANIYAMBALAM RUBBER PRODUCERS SOCIETY
ATHANI - KAYATTAM P.O., KARADU- 679 339,
MALAPPURAM DISTRICT,
REPRESENTED BY ITS PRESIDENT K.V.VIJAYAN.**

**BY ADVS.SRI.V.RAJENDRAN
KUM.ANJU CLETUS**

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
WANDOOR, PIN - 679 328, MALAPPURAM DISTRICT.**
- 2. SRI.RIYAS BABU, S/O.RAYIL,
KIZHAKKE PALAMADOM, P.O.AMARAMBALAM SOUTH,
PIN-679 339, MALAPPURAM DISTRICT.**
- 3. SRI.SAFEEQUE, S/O.ISMAIL,
CHALUVALLY, KIZHAKKE PALAMADOM,
P.O.AMARAMBALAM SOUTH,
PIN -679 339, MALAPPURAMDISTRICT.**
- 4. WANDOOR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
WANDOOR P.O.-679 328, MALAPPURAM DISTRICT.**

**R1 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R2 & R3 BY ADV. SRI.M.R.NANDAKUMAR
R4 BY SRI.T.KRISHNANUNNI,SENIOR ADVOCATE
ADV. SRI.SAJU.S.A**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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WP(C).No. 32187 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE STOP MEMO DATED 20.1.2015 ISSUED BY THE
 4TH RESPONDENT TO THE PETITIONER SOCIETY (ALONG WITH
 ENGLISH TRANSLATION).**
- EXT.P-2: TRUE COPY OF THE REPLY DATED 28.1.2015 FILED BY THE
 PETITIONER BEFORE THE 4TH RESPONDENT (ALONG WITH
 ENGLISH TRANSLATION)**
- EXT.P-3: TRUE COPY OF THE COMPLAINT DATED 25.8.2015 FILED BY THE
 PETITIONER BEFORE THE 1ST RESPONDENT. (ALONG WITH ENGLISH
 TRANSLATION)**
- EXT.P-4: TRUE COPY OF THE LETTER DATED 28.9.2015 OF THE 4TH
 RESPONDENT TO THE PETITIONER (ALONG WITH ENGLISH
 TRANSLATION).**
- EXT.P-5: TRUE COPY OF THE LETTER DATED 14/10/2015 ISSUED BY THE
 KERALA STATE POLLUTION CONTROL BOARD TO THE PETITIONER
 SOCIETY**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.32187 of 2015

Dated this the 19th day of November 2015

J U D G M E N T

Shaffique, J.

The petitioner Society has approached this Court seeking for police protection. According to them, when attempts were made to construct an effluent treatment plant after getting permission from the competent authorities, the same had been obstructed by respondents 2 and 3. Though complaints were given to the police for necessary protection, no action has been taken in the matter and hence, the petitioner has approached this Court.

2. Counter affidavit has been filed by respondents 2 and 3 inter alia stating that there was foul smell emanating from the premises in question and no steps were taken by the management of the Society to prevent the same.

3. The petitioner has filed reply affidavit producing Ext.P5, by which, the Kerala State Pollution Control Board had permitted them to construct and commission the effluent treatment plant. Necessary parameters have also been specified.

4. Having regard to the aforesaid factual situation, since the petitioner Society is proceeding to construct the effluent

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treatment plant, it is apparently to avoid nuisance and foul smell while discharging the effluent. It has to treat the effluent and take such measures to avoid pollution, that too, as per the directions issued by the Kerala State Pollution Control Board.

5. Under such circumstances, we are of the view that if there is any obstruction from the side of respondents 2 and 3 in the matter relating to construction of effluent treatment plant by the petitioner, the first respondent shall provide necessary protection.

With the above observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE