

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WP(C).No. 32423 of 2015 (C)

PETITIONER(S):

**GEORGE JOSEPH V.G, AGED 49 YEARS,
VELLEPARAMBIL HOUSE, PULICKAPARAMBIL LANE-2,
AYYAPPANKAVU, KOCHI-682 018.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH**

RESPONDENT(S):

- 1. KERALA STATE POLLUTION CONTROL BOARD,
PLAMOOD, PATTOM, THIRUVANANTHAPURAM DISTRICT,
PIN-695 004, REPRESENTED BY ITS MEMBER SECRETARY.**
- 2. THE ENVIORNMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD, GANDHI NAGAR,
KADAVANTHRA, KOCHI-682 020.**
- 3. THE CORPORATION OF COCHIN,
REPRESENTED BY ITS SECRETARY, KOCHI-682 011.**
- 4. AUSTIN LOPEZ,
ELCARE SYSTEMS (PVT) LTD, 42/673, ELCARE HOUSE,
PULICKAPARAMBIL LANE-2, AYYAPPANKAVU, KOCHI-682 018.**

**R3 BY SRI.P.K.SOYUZ,SC,
R1 & 2 BY SRI. M.AJAY, SC,**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE MASS PETITION DATED 22/12/2014 FILED BY THE PETITIONER ALONG WITH OTHER NEIGHBOURS BEFORE THE 2ND RESPONDENT
- EXT.P2. TRUE COPY OF THE RECEIPT NO.723/14 DATED 22/12/2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER
- EXT.P3. TRUE COPY OF THE RECEIPT NO.M2/97336/14 DATED 23/12/2014 ISSUED BY THE DISTRICT COLLECTOR, ERNAKULAM TO THE PETITIONER
- EXT.P4. TRUE COPY OF THE RECEIPT DATED 22/12/2014 ISSUED BY THE DISTRICT COLLECTOR, ERNAKULAM TO THE PETITIONER
- EXT.P5. TRUE COPY OF THE RECEIPT DATED 22/12/2014 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
- EXT.P6. TRUE COPY OF THE PROCEEDINGS DATED 22/6/2015 ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT
- EXT.P7. TRUE COPY OF THE PRINT A/D. ISSUED FROM THE OFFICE OF THE HONOURABLE CHIEF MINISTER TO THE PETITIONER
- EXT.P8. TRUE COPY OF THE REPRESENTATION DATED 14/8/2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST AND 2ND RESPONDENT
- EXT.P9. TRUE COPY OF THE REPRESENTATION DATED 14/8/2015 SUBMITTED BY THE PETITIONER BEFORE 3RD RESPONDENT

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 32423 of 2015

Dated this the 27th day of October, 2015

JUDGMENT

The petitioner alleging that 4th respondent is operating an industrial unit of Flex printing, photo framing etc. without obtaining the consent from neighbouring owners and Pollution Control Board, has approached respondents 1 and 2 by Ext.P8 representation. The limited request of the petitioner is an earlier consideration of Ext.P8 by the 2nd respondent.

In that view of the matter, there shall be a direction to the 2nd respondent to consider the same, after hearing the petitioner and the 4th respondent within one month. If it is found that 4th respondent is operating the unit in violation of pollution norms, necessarily, appropriate action shall be taken to curb nuisance and if necessary, to close down the unit. The petitioner, apart from above

grievances also, has a case that 4th respondent has constructed unauthorised building. The petitioner made a representation before the Corporation by Ext.P9. This shall also be considered by the Corporation within two months after hearing the petitioner as well as 4th respondent.

The writ petition is disposed of as above.

Sd/-

**A. MUHAMED MUSTAQUE
JUDGE**

bpr