

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 37058 of 2015 (F)

PETITIONER:

DR.P.S.THAHA, AGED 65, S/O. LATE SHAHUL HAMEED,
RESIDING AT KWRA A 27(a), JAWAHAR NAGAR,
KAWDIAR P.O., THIRUVANANTHAPURAM - 695 003.

BY ADVS.SRI.P.G.JAYASHANKAR
SMT.P.SREELAKSHMI
SRI.V.SREEJAYAN
SRI.V.SURESH (TRIVANDRUM)

RESPONDENTS:

1. THE CORPORATION OF THIRUVANANTHAPURAM
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM-695 033
REPRESENTED BY ITS SECRETARY.
2. THE HEALTH OFFICER (GRADE I),
CORPORATION OF THIRUVANANTHAPURAM,
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM-695 033.
3. THE HEALTH SUPERVISOR (S),
CORPORATION OF THIRUVANANTHAPURAM,
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM-695 033.
4. MRS. SATHI G.KUMAR , W/O. N.GOPAKUMAR,
IO BLOCK 2, CAPITAL VILLAGE,
POONKUNNAM, THRISSUR-680 002.

BY SRI.P.K.MANOJKUMAR,SC,TVPM CORPORATION
BY ADV. SRI. NANDAKUMARA MENON (SR.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : COPY OF THE JUDGMENT OF THE 3RD ADDITIONAL MUNSIF COURT, DTD.21.5.2014 IN OS NO.466/2012.
- EXHIBIT P2 : COPY OF THE AUTHORISATION NO.PCB/TVM-DO/AU-283/2015 DTD.26.2.2015 ISSUED BY THE DISTRICT OFFICE, THIRUVANANTHAPURAM, KERALA STATE POLLUTION CONTROL BOARD.
- EXHIBIT P3 : COPY OF THE NOTICE BEARING NO.H11/MS/1672/14 DTD.19.2.2015 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P4 : COPY OF THE LETTER DTD.23.3.2015 BY THE PETITIONER.
- EXHIBIT P5 : COPY OF THE NOTICE BEARING NO.H11/MS/1672/14 DTD.13.5.2015 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P6 : COPY OF THE REPLY DTD.23.6.2015 BY THE PETITIONER.
- EXHIBIT P7 : COPY OF THE STOP MEMO BEARING NO.H11/MS/1672/14 DTD.14.10.2015.
- EXHIBIT P8 : COPY OF THE APPEAL PREFERRED BY THE PETITIONER.
- EXHIBIT P9 : COPY OF THE STAY PETITION WITH AFFIDAVIT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.37058 of 2015

Dated this the 15th day of December, 2015

J U D G M E N T

Ext.P7 stop memo issued by the second respondent is the subject matter of Ext.P8 appeal pending with the first respondent. The appeal is accompanied by Ext.P9 petition for stay. The petitioner undertakes to implead the present owner of the premises in Ext.P8 appeal and Ext.P9 petition within two weeks.

2. It is only proper that further proceedings pursuant to Ext.P7 stop memo are put on hold pending appeal. I direct the first respondent to consider Ext.P8 appeal and Ext.P9 petition for stay within a period of two months. This is subject to the condition that the petitioner takes steps for impleading the present owner and serve notice of the appeal on him. Exts.P8 appeal and Ext.P9 petition shall be disposed of with due notice to the petitioner, the fourth respondent as well as the present owner of the premises.

The Writ Petition is disposed of.

V.CHITAMBARESH,
Judge.

nj/15.12.15