

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

SATURDAY, THE 30TH JANUARY 2010 / 10TH MAGHA 1931

WP(C).No. 12663 of 2008(G)

**PETITIONER(S):**

"PALLIKODAM", KALATHIPADY  
VADAVATHOOR, KOTTAYAM, REPRESENTED BY MARY ROY,  
SECRETARY, CORPUS CHRISTI EDUCATIONAL SOCIETY  
(REG. NO.K.97 OF 1976), KALATHIPADY  
VADAVATHOOR, KOTTAYAM.

BY ADV. SMT.LEKHA SURESH

**RESPONDENT(S):**

1. THE STATE OF KERALA REPRESENTED BY  
THE SECRETARY TO GOVERNMENT  
LOCAL SELF GOVERNMENT, GOVERNMENT SECRETARIAT  
THIRUVANANTHAPURAM-695 001.
2. THE KERALA STATE POLLUTION CONTROL BOARD  
PATTOM, THIRUVANANTHAPURAM, REPRESENTED BY  
ITS SECRETARY.
3. THE DISTRICT COLLECTOR, KOTTAYAM.
4. THE DISTRICT MEDICAL OFFICER, KOTTAYAM.
5. VIJAYAPURAM GRAMA PANCHAYAT  
VADAVATHOOR, KOTTAYAM, REPRESENTED BY  
ITS SECRETARY.
6. THE PRIMARY HEALTH OFFICER  
PRIMARY HEALTH CENTRE, PARAMPUZHA, KOTTAYAM.
7. THE ENVIRONMENTAL ENGINEER  
POLLUTION CONTROL BOARD, REGIONAL OFFICE  
KOTTAYAM.
8. THE ASSISTANT EXECUTIVE ENGINEER  
(NATIONAL HIGHWAY), OFFICE OF THE ASST. ENGINEER  
NATIONAL HIGHWAY, KANJIRAPPILLY, KOTTAYAM.

R1, R3, R4, R6 & R8 BY GOVERNMENT PLEADER SMT.T.B. REMANI  
R2 & R7 BY ADV. MR.M.K.CHANDRA MOHANDAS,SC,POLL.C.BOARD.  
R5 BY ADV. MR.SALIM V.S.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 30/01/2010, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1: COPY OF THE REPRESENTATION DATED 29/01/2008.**

**EXT.P2: COPY OF THE REPRESENTATION DATED 26/01/2008.**

**EXT.P3: COPY OF THE RELEVANT PORTION OF MALAYALA MANORAMA DAILY DATED 08/08/2008.**

**EXT.P4: COPY OF THE COMMUNICATION NO.C2/2152/08 DATED 11/08/2008 OF THE 4TH RESPONDENT.**

RESPONDENT'S EXHIBITS: NIL

**//TRUE COPY//**

**P.S. TO JUDGE**

rs.

**THOTTATHIL B.RADHAKRISHNAN, J.**

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W.P(C).No.12663 OF 2008  
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Dated this the 30<sup>th</sup> day of January, 2010

**JUDGMENT**

The fact situation, as of now, is that the petitioner is in a dilemma. Learned counsel for the petitioner says so because of the topsy-turvy action of the respondent in the matter of permitting sewage waste to be discharged into the open drain. The petitioner is justified in saying that the said activity would be against public health and injurious to the society. Respondents 3 to 8 are, therefore, directed to ensure that any nuisance as complained of by the petitioner shall stand abated within a period of three weeks from the date of receipt of a copy of this judgment and if any such circumstance recur, such respondents would be personally responsible for costs as also other damages and penalty that may be imposed in any proceedings that the petitioner may bring hereafter. The writ petition is ordered accordingly.

Sd/-

**THOTTATHIL B.RADHAKRISHNAN,  
Judge.**

kkb.03/02.