

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

WEDNESDAY, THE 22ND DAY OF MARCH 2023 / 1ST CHAITHRA, 1945

WP (C) NO. 1294 OF 2014

PETITIONER:

SUBRAMANYAN.K.A.,
S/O. AYYAPPAN, KOLOTHRA HOUSE, VENGOLA P.O.,
PERUMBAVOOR, ERNAKULAM DISTRICT.

BY ADVS.

SRI.V.PHILIP MATHEW

SRI.JEPH JOSEPH

RESPONDENTS:

- 1 VENGOLA GRAMA PANCHAYAT,
VENGOLA GRAMA PANCHAYAT OFFICE, VENGOLA
P.O., PERUMBAVOOR, ERNAKULAM DISTRICT - 683
556, REPRESENTED BY ITS SECRETARY.
- 2 THE SECRETARY,
VENGOLA GRAMA PANCHAYAT, VENGOLA GRAMA
PANCHAYAT OFFICE, VENGOLA P.O., PERUMBAVOOR,
ERNAKULAM DISTRICT - 683 556.
- 3 THE DEPUTY DIRECTOR OF PANCHAYAT,
CIVIL STATION, KAKKANAD, ERNAKULAM DISTRICT
- 682 030.
- 4 KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE OF THE POLLUTION CONTROL
BOARD, GANDHINAGAR, ERNAKULAM DISTRICT - 682
020, REPRESENTED BY ITS ENVIRONMENTAL
ENGINEER
- 5 THE HEALTH OFFICER (RURAL),
COMMUNITY HEALTH CENTRE, MALAYIDAMTHURUTH
P.O., ERNAKULAM DISTRICT - 683 545.

- 6 THE ASSISTANT DIVISIONAL OFFICER,
FIRE AND RESCUE SERVICES, ERNAKULAM.
- 7 THE SENIOR SUPERINTENDENT,
K.S.E.B, ELECTRICAL SECTION, VENGOLA,
ERNAKULAM DISTRICT - 683 556.
- 8 RATHEESH C.E.,
S/O.ECHARAN, CHERIYELIPPADY HOUSE, VENGOLA
P.O., PERUMBAVOOR, ERNAKULAM DISTRICT -
683 556.
- 9 BHARGAVY ECHARAN,
W/O.ECHARAN, CHERIYELIPPADY HOUSE, VENGOLA
P.O., PERUMBAVOOR, ERNAKULAM DISTRICT -
683 556.
- BY ADVS.
SRI.C.A.NAVAS
SHRI.P.THOMAS GEEVERGHESE, SC, VENGOLA
GRAMA PANCHAYAT
SRI.S.NIDHEESH
SRI.T.K.SASIKUMAR
SMT.C.S.SIMI
SRI.N.RAPHY RAJ, SC, KERALA STATE
ELECTRICITY BOARD LIMITED

OTHER PRESENT:

SMT. REKHA C. NAIR (SR. GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 22.03.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

SHOBA ANNAMMA EAPEN,J.

W.P.(C).1294 of 2014

Dated this the 22nd day of March, 2023

JUDGMENT

The writ petition is filed seeking for a direction to respondents 1 to 3 to take action against the steel door manufacturing unit conducted by the eighth respondent near the house of the petitioner without obtaining proper licence from the authorities concerned.

2. The petitioner, a resident of Vengola Grama Panchayat, is residing with his family adjacent to the steel door manufacturing unit.

3. The main grievance of the petitioner is that the eighth respondent started the unit without obtaining any licence from the first respondent-Panchayath or from other concerned authorities. It is further submitted that the eighth respondent has not obtained any consent from the petitioner or from the nearby residents before starting the unit. The petitioner along with other residents in the locality has submitted several complaints to the second

respondent to close the unit, which is illegally run by the eighth respondent and also to demolish the illegal constructions carried out by the eighth respondent.

4. It is submitted before this Court that the steel door manufacturing unit is still functioning in the property. Before approaching this Court, the petitioner had filed O.S.No.289/2012 before the Munsiff's Court, Perumbavoor for a permanent prohibitory injunction and for mandatory injunction, against the eighth and ninth respondents. The learned counsel for respondents 8 and 9 handed over a copy of the judgment in O.S.No.289/2012 filed by the petitioner before the Munsiff's Court, Perumbavoor. The suit was dismissed on 30.9.2014 holding that the plaintiffs failed to prove that functioning of the workshop is causing nuisance to the plaintiffs and it was further found that 8th and 9th respondents have obtained license from the Panchayat to run the workshop. So far no appeal is seen filed against the said judgment.

5. On a consideration of the entire facts and circumstances of the case, I am of the opinion that this writ

petition can be closed in the light of the judgment in O.S.No.289/2012.

Accordingly, the writ petition is closed. It is made clear that if any fresh cause of action arises in future, the petitioner is free to approach this Court seeking appropriate reliefs, in accordance with law.

Sd/-

**SHOBA ANNAMMA EAPEN,
JUDGE**

MBS/

APPENDIX OF WP(C) 1294/2014

PETITIONER'S EXHIBITS:

EXHIBIT P1 : COPY OF THE APPLICATION DATED 22.12.2011 SUBMITTED BY THE 8TH RESPONDENT BEFORE THE FIRST RESPONDENT

EXHIBIT P2 : COPY OF THE APPLICATION DATED 22.02.2012 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT

EXHIBIT P3 : COPY OF THE REPLY DATED 17.03.2012 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER

EXHIBIT P4 : COPY OF THE COMMUNICATION DATED 14.03.2012 ISSUED BY THE 7TH RESPONDENT TO THE PETITIONER

EXHIBIT P5 : COPY OF THE REPRESENTATION DATED 04.04.2012 SUBMITTED BEFORE THE 2ND RESPONDENT

EXHIBIT P6 : COPY OF THE REPRESENTATION DATED 01.08.12 SUBMITTED BY THE PETITIONER BEFORE THE PANCHAYAT COMMITTEE

EXHIBIT P7 : COPY OF THE APPLICATION DATED 01.08.2012 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT

EXHIBIT P8 : COPY OF THE REPLY DATED 25.08.2012 ISSUED TO THE 2ND RESPONDENT TO THE PETITIONER

EXHIBIT P9 : COPY OF THE REPRESENTATION DATED 17.08.2012 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT

EXHIBIT P10 : COPY OF ORDER NO.A1-9425/12 DATED 02.11.2012 PASSED BY THE 2ND RESPONDENT

EXHIBIT P11 : COPY OF THE APPLICATION DATED 15.02.2013 SUBMITTED BY THE 8TH

: -7- :

RESPONDENT BEFORE THE FIRST
RESPONDENT PANCHAYAT

EXHIBIT P12 : COPY OF THE REPLY LETTER
DATED 25.11.2013 ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER

EXHIBIT P13 : COPY OF THE PLAINT IN
O.S.NO.289/12

EXHIBIT P14 : COPY OF THE CONSENT TO
OPERATE DATED 19.10.2012 ISSUED BY THE
POLLUTION CONTROL BOARD