

Jagal Prasad Vs. the Managing Director

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Court : Kerala

Decided On : Aug-01-2014

Judge : Honourable Mr. Justice a.Muhamed Mustaque

Appellant : Jagal Prasad

Respondent : The Managing Director

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE FRIDAY, THE 1ST DAY OF AUGUST 2014 10TH SRAVANA, 1936 WP(C).No. 19793 of 2014 (Y)

----- PETITIONER : ----- JAGAL PRASAD AGED 73 YEARS, S/O. V.K. PANICKER RESIDING AT PANICKERS MNRA-5, MALLOOR NAGAR VELLAYAMBALAM THIRUVANANTHAPURAM-695 010. BY ADV. SRI.B.HARISH KUMAR RESPONDENT(S) : ----- 1. THE MANAGING DIRECTOR, KERALA WATER AUTHORITY, JALABHAVAN THIRUVANANTHAPURAM - 695 033.

2. THE EXECUTIVE ENGINEER DRAINAGE DIVISION, KERALA WATER AUTHORITY PATTOOR, THIRUVANANTHAPURAM - 695 035.

3. THE ASSISTANT EXECUTIVE ENGINEER SEWERAGE SUB DIVISION (NORTH) KERALA WATER AUTHORITY PATTOOR, THIRUVANANTHAPURAM - 695 035.

4. THE ASSISTANT ENGINEER SEWERAGE SECTION, KERALA WATER AUTHORITY SASTHAMANGALAM, THIRUVANANTHAPURAM - 695 010. R1 TO R4 BY ADV. SRI.JOSEPH JOHN, SC, KERALA WATER AUTHORITY THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/08-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Mn ...2/- WP(C).No. 19793 of 2014 (Y) APPENDIX PETITIONER'S EXHIBITS : EXT.P1 : COPY OF THE BUILDING PERMIT DATED 63-91 ISSUED BY THE CORPORATION. EXT.P2 COPY OF THE SKETCH OF THE PETITIONER'S PROPERTY ALONG WITH MANHOLE, SLIT MANHOLE AND MAIN MANHOLE OF OLD PRIVATE SEWERAGE LINE. EXT.P3 COPY OF THE

JUDGMENT

DATED 12/7/04 IN WP(C) NO. 15259/2004 PASSED BY THIS HON'BLE COURT. EXT.P4 COPY OF THE PROCEEDING NO. DBI-203/2014 DATED NIL PASSED BY THE THIRD RESPONDENT. EXT.P5 COPY OF THE REPLY DATED 24/7/2014 SUBMITTED BY THE PETITIONER BEFORE THE 3D RESPONDENT. EXT.P6 COPY OF THE COMPLAINT DATED 25/7/2014 SUBMITTED BY THE THIRD RESPONDENT. RESPONDENT'S EXHIBITS : NIL //TRUE COPY// P.A. TO JUDGE Mn A.MUHAMED MUSTAQUE, J.

===== WP(C).No.19793 of 2014-Y. =====
Dated this the 1st day of August, 2014.

JUDGMENT

Ext.P4 is a notice issued to the petitioner by the third respondent alleging on account of blockage of old sewage pipe line in petitioner's property which is causing nuisance to the neighbours and also to the public. It is also stated when workers visited the spot, petitioner obstructed them to carry out necessary activities to remove the blockage. Petitioner has submitted Ext.P5 objection on receipt of Ext.P4 before the third respondent. It seems that without considering the same third respondent sought the help of police to take necessary action. The petitioner would undertake that he will co-operate with any action to remove any blockage and also any threat that being caused on account of sewage line. However, the petitioner would submit that in the guise of removal of blockage, the

petitioner's pipe line will be damaged. It is only to ensure WP(C).No.19793/2014-Y. 2 that no damage will be caused to the sewage line, the petitioner raised his objection before the second respondent. Having regard to the facts and circumstances of the case, there shall be a direction to the second respondent to take appropriate action on Ext.P4 and to implement the same after affording an opportunity to the petitioner. This shall be done within ten days from the date of receipt of a copy of this judgment. Till then no coercive steps shall be taken against the petitioner based on Ext.P4. The writ petition is disposed of as above. Sd/- A.MUHAMED MUSTAQUE, (Judge) Kvs/- // true copy //

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