

Lillykutty vs the Environmental Engineer

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Court : Kerala Orders

Decided On : Oct-30-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : WP(C)/8534/2021

Appellant : Lillykutty

Respondent : The Environmental Engineer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS MONDAY, THE 30TH DAY OF OCTOBER 2023 / 8TH KARTHIKA, 1945 PETITIONER: LILLYKUTTY AGED 46 YEARS W/O.ARULDAS, ARIYAL KUZHIVILAYIL HOUSE, BY ADVS. ALEX.M.SCARIA BEAS K PONNAPPAN A.J.RIYAS SARITHA THOMAS MEERA S RAJAN RESPONDENTS: 1 THE ENVIRONMENTAL ENGINEER

KERALA STATE POLLUTION CONTROL BOARD, THODUPUZHA, IDUKKI-685608. 2 THE MEDICAL OFFICER, DISTRICT MEDICAL OFFICE, THODUPUZHA, IDUKKI-685608. 3 THE SECRETARY,

KARIMKUNNAM GRAMA PANCHAYATH, 4 THE KARIMKUNNAM GRAMA PANCHAYATH, 685586, REPRESENTED BY ITS SECRETARY. 5 SMT.JESSY STANLEY, AGED 46 YEARS W/O.STANLEY C.K., CHAVARATTU HOUSE, KARIMKUNNAM P.O, KARIMKUNNAM, IDUKKI- 6 THE THAHSILDAR, THODUPUZHA THALUK, CIVIL STATION, THODUPUZHA-685584. 7 THE VILLAGE OFFICER, KARIMKUNNAM, KARIMKUNNAM P.O-685586. BY ADVS.

SRI. T.NAVEEN SC, KERALA STATE POLLUTION CONTROL BOARD, GEORGE MATHEW PRAVEEN S. OTHER PRESENT: SR.GP.K.AMMINIKUTTY THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- W.P.(C) No.8534 of 2021

----- Dated this the 30th day of October, 2023

JUDGMENT

The learned counsel for the petitioner seeks permission to withdraw this writ petition. Permission is granted. Accordingly, this writ petition is dismissed as withdrawn. BECHU KURIAN THOMAS JUDGE AJM APPENDIX OF WP(C) 8534/2021 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE PHOTOGRAPHS SHOWING THE LOCATION OF THE UNIT. EXHIBIT P2 THE PHOTOGRAPHS SHOWING THE VIEW OF THE UNIT OF THE 5TH RESPONDENT FROM THE SIDE OF THE STREAM. EXHIBIT P3 TRUE PHOTOCOPY OF THE MEDICAL CERTIFICATE ISSUED FROM ST.MARY'S HOSPITAL, THODUPUZHA. EXHIBIT P4 TRUE COPY OF THE WRIT PETITION W.P(C)NO.19339/2018 THEREIN ALONG WITH EXHIBITS. EXHIBIT P5 TRUE COPY OF THE RELEVANT PAGES OF THE SAID REPORT AND THE ANNEXURE. EXHIBIT P6 TRUE COPY OF THE JUDGMENT DATED 02.04.2019 IN WP(C)NO.19339/2018. EXHIBIT P7 TRUE COPY OF THE REPORT DATED

19.10.2019 SUBMITTED BY THE 7TH RESPONDENT TO THE 6TH RESPONDENT AS PER NO.394/2019. EXHIBIT P8 TRUE COPY OF THE APPLICATION FILED UNDER R.T.I ACT ON 28.05.2020 BEFORE THE 3RD RESPONDENT. EXHIBIT P9 TRUE COPY OF THE INFORMATION

OBTAINED UNDER THE R.T.I ACT DATED 22.06.2020 BEARING NO.A2-1204/2020 FROM THE OFFICE OF THE 3RD RESPONDENT RELATING TO THE EXHIBIT P1 UNIT. EXHIBIT P10 TRUE COPY OF THE INFORMATION OBTAINED UNDER THE R.T.I ACT DATED 29.07.2020 BEARING NO.A2-1561/2020 FROM THE OFFICE OF THE 2ND RESPONDENT TO THE LAWYER OF THE PETITIONER RELATING TO THE WORK OF THE EXHIBIT P1 UNIT. EXHIBIT P11 THE COMMUNICATION DATED 22.07.2019 BEARING NO.B3-434/19 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER. EXHIBIT P12 TRUE COPY OF THE LETTER DATED 24.06.2018 BEARING NO.B4/2258/2018 FOR GRANTING LICENCE TO THE 5TH RESPONDENT TO RUN THE EXHIBIT P1 UNIT. EXHIBIT P13 TRUE COPY OF THE LETTER DATED 25.07.2018 BEARING NO.C3-4019/2018 SENT BY THE 2ND RESPONDENT ADDRESSING THE 3RD RESPONDENT. EXHIBIT P14 TRUE COPY OF THE COMPLAINT DATED 17.09.2018 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT ALSO REMAIN UNATTENDED SO FAR AS IT IS IN RESPECT OF THE ILLEGAL CONSTRUCTIONS MADE BY THE 4TH RESPONDENT. EXHIBIT P15 TRUE COPY OF THE SAID COMPLAINT LETTER WITHOUT ANNEXURE. EXHIBIT P16 TRUE COPY OF THE COMPLAINT WITHOUT ANNEXURES DATED 16.03.2019 ALONG WITH THE COPY OF THE REPORT DATED 25.07.2018 PREPARED BY THE 2ND EXHIBIT P17 TRUE COPY OF THE LETTER DATED 31.12.2020 BEARING NO.B2-2471/2020 THE PETITIONER WAS ISSUED WITH A NOTICE OF CALLING OF OBJECTION BY THE 3RD RESPONDENT.

EXHIBIT P18 TRUE COPY OF THE OBJECTION AS PER THE LETTER DATED 04.01.2021 BEFORE THE 3RD RESPONDENT. EXHIBIT P19 TRUE COPY OF THE CIRCULAR BEARING NO.PCB/TAC/18/2004 DATED 09.08.2004. EXHIBIT P20 TRUE COPY OF THE LETTER DATED 11.02.2021 BY 3RD RESPONDENT TO THE PETITIONER. EXHIBIT P21 TRUE COPY OF THE REPRESENTATION

DATED 27.07.2019 BEFORE THE 3RD EXHIBIT P22 TRUE COPY OF THE RECEIPT DATED 27.07.2019 ISSUED BY THE 3RD EXHIBIT P23 TRUE COPY OF THE REPRESENTATION DATED 10.03.2021 FILED BY DEPUTY DIRECTOR OF PANCHAYATH, IDUKKI. EXHIBIT P24 TRUE COPY OF THE RECEIPT DATED 10.3.2021. EXHIBIT P25 TRUE COPY OF THE DIRECTION DATED 09.03.2021 ISSUED BY THE 6TH Exhibit P26 TRUE COY OF THE FILES NOTES DATED 14.10.2020 IN RESPECT OF THE ISSUANCE OF RENEWAL OF LICENSE TO THE 5TH RESPONDENT. Exhibit P27 TRUE COPY OF THE COMMUNICATION DATED 25.07.2018 BEARING NO.C3- OFFICER (HEALTH), IDUKKI TO THE 3RD RESPONDENT. Exhibit P28 TRUE COPY OF THE LETTER DATED 09.03.2021 BEARING NO.C4-877/2021 OF THE DISTRICT MEDICAL OFFICER (HEALTH), IDUKKI. Exhibit P29 TRUE COPY OF THE LETTER SENT BY THE TAHSILDAR, THODUPUZHA DATED 07.09.2021 Exhibit P30 TRUE COPY OF THE LETTER ISSUED BY THE DISTRICT COLLECTOR, IDUKKI DATED 22.09.2021 Exhibit P31 TRUE COPY OF THE CD ISSUE OF THE

FUNCTIONING OF THE UNIT OF THE 5TH RESPONDENT CAUSING INNUMERABLE DIFFICULTIES TO THE NEIGHBOURS HAD BEEN WIDELY AIRED THROUGH MEDIA TODAY NEWS

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