

Sreenivasan .E vs Mr. Unnikrishnan,

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Court : Kerala

Decided On : Mar-03-2023

Judge : Honourable Mr.Justice Murali Purushothaman

Appeal No. : Con.Case(C)/2014/2022

Appellant : Sreenivasan .E

Respondent : Mr. Unnikrishnan,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN FRIDAY, THE 3RD DAY OF MARCH 2023 / 12TH PHALGUNA, 1944 CON.CASE(C) NO. 2014 OF 2022 AGAINST THE ORDER/JUDGMENTWP(C) 35328/2019 OF HIGH COURT OF KERALA PETITIONER: SREENIVASAN .E, AGED 59 YEARS S/O.CHINNUNNI EMBRANTHIRI, YEYYOOR MANA, POOZHITHODE FERRY ROAD, SOUTH CHITTOOR, ERNAKULAM DISTRICT,, PIN - 682027 BY ADV C.M.MOHAMMED IQUBAL RESPONDENT/1ST AND 2ND RESPONDENTS IN WP(C): 1 MR. UNNIKRISHNAN, SECRETARY, CHERANALLOOR GRAMA PANCHAYATH, OFFICE OF THE GRAMA PANCHAYATH, CHERANALLOOR P.O., ERNAKULAM DISTRICT, PIN

- 683544 2 RAVI T.K. DEVIKRIPA, PFRA HOUSE NO. 27, POOZHITHODE FERRY ROAD, SOUTH CHITTOOR, ERNAKULAM DISTRICT, PIN - 682027 BY ADVS. T.K.AJITH KUMAR, SC K.V.JAYADEEP MENON T.P.RAMESH P.KRISHNAPRIYA T.P.RAMESH (THENGUMPILLIL)(K/248/2000) T.K.AJITHKUMAR (VALATH) THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 03.03.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: CON.CASE(C) NO. 2014 OF 2022 ..2..

JUDGMENT

The petitioner has filed this contempt of court case (civil) alleging non-compliance of the directions of this Court in Annexure-A1 judgment dated 06.10.2022. In Annexure-A1 judgment, this Court had in paragraphs 4 and 5 referred the submission of the respondents 2 to 4 therein that they are not burning any leaves and that the solid wastes accumulated in their property are disposed of by using bio pots and other mechanism provided by the Panchayat. Accordingly, the said writ petition was disposed of by Annexure-A1 judgment as follows:

.....The Panchayat shall ensure that the solid wastes generated in the Panchayat are disposed of in the manner provided under the Solid Waste Management Rules and appropriate action shall be taken in case of violation of the aforesaid provision. CON.CASE(C) NO. 2014 OF 2022 ..3..

2. The petitioner has filed this contempt of court

case (civil) alleging that the 2 nd respondent has violated the undertaking given before this Court and has burned dry leaves in front of the house of the petitioner.

3. An affidavit dated 07.11.2022 has been filed by

the 2nd respondent denying the allegations made by the petitioner and contending that it is the petitioner who is littering the area and burning waste on the road.

4. The 1st respondent/Secretary of the Panchayat has

filed a counter affidavit dated 08.11.2022 stating that he has taken action against the 2nd respondent and paragraph '3' of the the said affidavit reads as follows: It is submitted that the petitioner herein submitted Annexure 3 complaint alleging that the 2nd respondent burned dry leaves in front of the house of the petitioner on 14.10.2022 by causing nuisance and health problems to the petitioner. Subsequently, this respondent got the CON.CASE(C) NO. 2014 OF 2022 ..4..

complaint enquired by one of his staff found that the 2nd respondent burned dry leaves in front of the house of the petitioner on 14.10.2022. Since the burning of solid waste is against the provisions of the Solid Waste management Rules, this respondent issued a notice dated 29.10.2022 to the 2 nd respondent imposing a fine of Rs.1000/- (One Thousand) and demanded to pay the fine within three days. The true copy of the above notice dated 29.10.2022 issued by the 1st respondent is marked as Annexure R1(a). Thereafter, in compliance of the Annexure R1(a) notice, the 2nd respondent paid the fine amount of Rs.1000/- at the Grama Panchayat office on 2.11.2022.

5. An additional affidavit of the 1st respondent dated 06.01.2023 is also placed on record with regard to the submissions with respect to the cameras installed by the Panchayat

6. The learned Counsel for the petitioner submits

CON.CASE(C) NO. 2014 OF 2022 ..5.. that the 2nd respondent would abide by the undertaking given in Annexure-A1 judgment. I further record the submission of the 1st respondent/Secretary of the Panchayat that the Panchayat would take necessary steps to implement the directions in Annexure-A1 judgment. Accordingly, I close this contempt of court case (civil). Sd/- MURALI PURUSHOTHAMAN JUDGE SB CON.CASE(C) NO. 2014 OF 2022 ..6..
APPENDIX OF CON.CASE(C) 2014/2022 PETITIONER ANNEXURES Annexure A1 THE CERTIFIED COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.P(C). NO. 35328/2019 DATED 06.10.2022 Annexure A2 THE TRUE COPY OF THE PHOTOGRAPHS OF BURNING OF DRY LEAVES BY THE 2ND

RESPONDENT ON 14.10.2022 Annexure A2(a) THE TRUE COPY OF THE PHOTOGRAPHS OF BURNING OF DRY LEAVES BY THE 2ND RESPONDENT ON 16.10.2022 Annexure A2(b) THE TRUE COPY OF THE PHOTOGRAPHS OF BURNING OF DRY LEAVES BY THE 2ND RESPONDENT ON 18.10.2022 Annexure A3 THE TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE PANCHAYATH DATED 14.10.2022 Annexure A4 THE TRUE COPY OF THE RECEIPT ISSUED BY THE PANCHAYATH DATED 15.10.2022 Annexure A5 THE TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE STATION HOUSE OFFICER, CHERANALLOOR POLICE STATION ON 14.10.2022 Annexure A6 THE TRUE COPY OF THE APPLICATION SUBMITTED BY MR. T.R.DINESHAN UNDER RIGHT TO INFORMATION ACT DATED 17.10.2022 Annexure A7 THE TRUE COPY OF THE INFORMATION FURNISHED BY INFORMATION OFFICER OF THE CHERANALLOOR GRAMA PANCHAYATH DATED 14.11.2022 RESPONDENT ANNEXURES Annexure R2-1 THE TRUE PHOTOCOPY OF THE USER FEE CARD ISSUED BY THE PANCHAYATH CON.CASE(C) NO. 2014 OF 2022 ..7.. Annexure R2-2 THE TRUE PHOTOCOPY OF THE USER FEE RECEIPT DATED 08.07.2022 ISSUED BY THE PANCHAYATH Annexure R2-3 THE TRUE PHOTOCOPY OF THE USER FEE RECEIPT DATED 06.08.2022 ISSUED BY THE PANCHAYATH Annexure R2-4 THE TRUE PHOTOCOPY OF THE USER FEE RECEIPT DATED 07.09.2022 ISSUED BY THE PANCHAYATH Annexure R2-5 TRUE PHOTOCOPY OF THE USER FEE RECEIPT DATED 16.10.2022 ISSUED BY THE PANCHAYATH Annexure R2-6a THE TRUE PHOTOCOPY OF THE PHOTOGRAPH DATED 25.01.2021 WITH TIME 10.34 AM IS PRODUCED Annexure R2-6b THE TRUE PHOTOCOPY OF THE ANOTHER PHOTOGRAPH DATED 25.01.2021 WITH TIME 10.30 AM Annexure R2-7a THE TRUE PHOTOCOPY OF THE PHOTOGRAPH DATED 05.10.2022 WITH TIME 11.33 AM Annexure R2-7b THE TRUE PHOTOCOPY OF THE PHOTOGRAPH DATED 05.05.2022 WITH TIME 18.27 PM Annexure R2-7c THE TRUE PHOTOCOPY OF THE PHOTOGRAPH DATED 05.05.2022 WITH TIME 18.28 PM Annexure R2-8a THE TRUE PHOTOCOPY OF THE PHOTOGRAPH DATED 06.11.2022 WITH TIME 11.32 AM Annexure R2-8b THE TRUE PHOTOCOPY OF THE PHOTOGRAPH DATED 06.11.2022 WITH TIME 14.14 PM Annexure R2-8c THE

TRUE PHOTOCOPY OF THE PHOTOGRAPH DATED 06.11.2022 WITH TIME 14.00 PM Annexure R2-8d THE TRUE PHOTOCOPY OF THE PHOTOGRAPH DATED 06.11.2022 WITH TIME 14.02 PM Annexure R2-8e THE TRUE PHOTOCOPY OF THE PHOTOGRAPH DATED 06.11.2022 WITH TIME 14.44 PM Annexure R2-8f THE TRUE PHOTOCOPY OF THE PHOTOGRAPH DATED 06.11.2022 WITH TIME 13.56 PM CON.CASE(C) NO. 2014 OF 2022 ..8.. annexure R1(a) THE TRUE COPY OF THE ABOVE NOTICE DATED 29- 10-2022 ISSUED BY THE 1ST RESPONDENT Annexure A6 THE TRUE COPY OF THE APPLICATION SUBMITTED BY MR. T.R.DINESHAN UNDER RIGHT TO INFORMATION ACT DATED 17.10.2022 Annexure A7 THE TRUE COPY OF THE INFORMATION FURNISHED BY INFORMATION OFFICER OF THE CHERANALLOOR GRAMA PANCHAYATH DATED 14.11.2022

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