

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION, THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,  
Hon'ble Chairperson**

Dated this the 6<sup>th</sup> November, 2008.

1). H.R.M.P.No.142/2008

Petitioner : Ajayagosh P.K.,  
Secretary,  
Surabhi Road Residents' Association  
SRRA 10, Surabhi Road,  
Edappally, Kochi – 682 024.

Respondent :

ORDER

The above HRMP was filed by the petitioner, the Secretary, Surabhi Road Residents' Association, Edappally, Kochi.

In the complaint it was alleged that the functioning of an engineering workshop and its godown owned by Mr. V.G. Michel are causing pollution affecting the residents. According to the complaint, no action was taken against the said functioning of the engineering workshop and godown by the authorities.

In the report submitted by the District Collector, Ernakulam, it was stated that the Environmental Engineer, Pollution Control Board, Ernakulam, was asked to enquire and accordingly the Environmental Engineer, PCB, submitted a report after inspecting the workshop and godown in question. The Collector in his report further stated that the workshop and godown are functioning in the area where there are six houses nearby and according to the report of the Collector the said functioning of the workshop causes sound and air pollution. In the report it was further stated that the owner of the workshop

was instructed to shift the said workshop to Industrial Estate, Kalamassery, and that the said workshop was shifted accordingly.

The Environmental Engineer, Pollution Control Board, Ernakulam, submitted his report in which he has stated that in the workshop in dispute cutting and welding operations of iron rods are being carried out and that the unit is causing noise pollution in the area. According to the report, directions were issued to the owner of the unit to shift the whole unit within 15 days and along with the said report annexed a notice dated 08.02.2008 sent to the Managing Partner of the said workshop which shows that the said workshop was inspected on 25.01.2008 which was functioning in a residential area and that the loading and unloading work generated there was causing severe sound nuisance to the people residing nearby and that the establishment commenced its functioning without the consent of the Board. In the notice the owner of the establishment was directed the unit to be shifted within 15 days.

Mr. Thomas Joseph, President of the Residents Association who represented the petitioner, submits that though the workshop was shifted as per the direction the godown is still functioning causing severe noise pollution in the area. In the above circumstances it is for the Environmental Engineer, Pollution Control Board, Ernakulam, to take immediate steps to see that the godown is also shifted from the area as directed by him in his notice dated 08.02.2008 sent to the Managing Partner of the workshop. It is to be remembered that the notice was sent on 08.02.2008 but as on date the owner of the said workshop is yet to carry out the direction issued by the Pollution Control Board. The Environmental Engineer, Pollution Control Board, ought to have inspected the place after 15 days of his notice to verify whether the workshop as well as the godown were shifted

and it looks from the fact that he is not chosen to inspect the place in question. As a result of which his directions are yet to be complied within its entirety. In the above circumstances the Environmental Engineer, Pollution Control Board, is to see that his order is complied with within 15 days from the date of the receipt of his order.

With the above directions the petition is closed. Send a copy of this order to the Environmental Engineer, Pollution Control Board, Ernakulam.

Justice N.Dhinakar,  
Chairperson, KSHRC.

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