

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

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

Dated this the 3rd January, 2011.

**H.R.M.P.No.306 of 2010**

Petitioner : Muraleedharan.K.R.,  
Karimpil Veettil, Thayikkattukara. P.O.,  
Aluva.

Respondent : Special Grade Secretary,  
Choornikkara Grama Panchayat,  
Thaikkattukara. P.O., Aluva.

**ORDER**

The complaint of the petitioner is that his well water is getting polluted on account of the septic tank put up by the Standard Pottery Works High School and inspite of the notice issued by the Health Inspector of Choornikkara Grama Panchayat no action was taken by the school authorities and further his complaint to the Deputy Director of Education, Ernakulam, did not yield any result. Along with his complaint the report of the Analyst showing that the sample of the water tested is "Not satisfactory." is annexed with the advise that the well water shall be treated with bleaching powder at the rate of 10 g per 4000 litres and the treatment shall be repeated fortnightly with a further direction that the well and its surroundings shall be kept in good hygienic condition."

In the report submitted by the Secretary, Choornikkara Grama Panchayat it is stated that the septic tank was constructed by Vazhakkulam Block Panchayat during the year 1998 – 99 under the 'Women toilet Scheme'. According to him the school authorities informed him that a strong tank was constructed for collecting toilet wastes and the distance between the said toilet and well of the

petitioner is six meters and the teachers in this school are using the said toilet for the last 12 years and no complaint was received from any body including the petitioner. It is further stated that the distance between the toilet constructed by the petitioner in his property and his well is only 4 meters and that the petitioner is not using the water from the said well and he is using the water supplied by the Kerala Water Authority. According to the report the school authorities informed him that necessary renovation works will be carried out and that according to the Manager of the school if the said toilet is demolished the property of the petitioner will also be damaged and that the problem can be solved if the teachers are requested to use the other toilet meant for the use of the students studying in the school.

In the report filed by the Deputy Director of Education, Ernakulam, he has stated that the Headmistress of the school informed him that arrangements are being made for collecting the wastes from the toilet in a tank constructed through PVC pipe and that the District Educational Officer also informed him that the wall of the toilet and the tank are strengthened by plastering to prevent the flow of waste water from the toilet and that adequate steps will be taken by the school authorities to redress the grievance of the petitioner.

The petitioner and the Secretary Choornikkara Grama Panchayat are present. The Secretary of the Panchayat files an additional report reiterating the averments made in the earlier report.

On hearing both the parties it could be seen that the complaint of the petitioner is that the water in his well is polluted and that according to the report

and according to the oral statement of the Secretary of the Panchayat, who is now present before me, the pollution may be on account of the waste flowing out of the septic tank put up in the school or on account of the septic tank put up by the petitioner in his property. He admits that though a spot inspection was conducted by his predecessor and by himself neither his predecessor nor he attempted to find out as to the reason for the pollution of the well water in the petitioners property whether it is on account of the septic tank of the school or on account of the septic tank of the petitioner put up in his property. He further submits that a further investigation will be made to find out the real cause of pollution. In view of the above facts and circumstances the Secretary of Choornikkara Grama Panchayat is to make a spot inspection and the said inspection will be conducted in the presence of the petitioner as well as any authorized representative of the school and if necessary he can take the assistance of the Environmental Engineer, Pollution Control Board, to find out the exact cause of pollution of well water in the petitioner's property. The Secretary of the Panchayat thereafter will ensure that the well water of the petitioner is kept free of pollution by initiating appropriate action.

The petition is closed with the above recommendation.

Justice N. Dhinakar,  
Chairperson.