

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

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

Dated this the 5<sup>th</sup> June, 2009.

H.R.M.P.No.492/09

Petitioner : Vincent George,  
Arackal Chira,  
Kodimatha,  
Nattakom, Kottayam.

Respondent :

**ORDER**

The complaint of the petitioners is that a Pig Farm and Ghee processing unit is functioning which is causing health hazards to the neighbors but the Nattakom Grama Panchayat has taken no action on the complaint of the petitioners.

A report was called for from the Secretary, Nattakom Grama Panchayat. In the report submitted by the Secretary, Nattakom Grama Panchayat, it is admitted that a Pig Farm is functioning at Kodimatha by one Mathukutty with the licence of the Panchayat which is causing no health problem to neighbours though it is admitted in the said report that a Ghee Processing Unit is functioning unauthorisedly and remnants of animals and meat were seen around the unit and therefore a stop memo was issued to the unit on 25.02.09 vide memo No.A4 - 183/09. The report was found unsatisfactory as there was

nothing mentioned in the report as to the subsequent action taken to the Unit by the Secretary of the Panchayat.

The petitioner accompanied by his neighbour Kochumon is present. The Secretary of the Panchayat is represented by his Advocate Mr. Anish Ramakrishnan who files his Vakkalath today.

According to the Secretary, after the stop memo was issued on 25..02..09 the officials of the Panchayat inspected the Unit in question and found it is closed, which fact is strongly denied by the petitioner. The Secretary has not produced the inspection report. Though his Counsel requested for an adjournment I am unable to grant the request in view of the order which I presently pass.

The stand of the Panchayat is that a stop memo was issued to the Unit and later inspection was also conducted. If it is to be accepted as true that there is an inspection by the Panchayat then at the time of inspection the Panchayat should have summoned the petitioner in the above HRMP and other persons residing in the locality. The petitioner stated that he was never summoned by the Panchayat and there was no intimation inviting him to present at the unit at the time of inspection by the officials of the Panchayat. The petitioner strongly denies all the averments in the report and reiterates the complaint that the unit is still functioning unauthorisedly. The Council appeared for the Panchayat admits that the unit did not obtain any permit from the Panchayat and therefore a stop memo was issued after receiving a complaint from the petitioner and in the above background the Panchayat decided to inspect the Unit and issued a stop memo without intimating the petitioner and persons in the locality.

In view of the allegations raised in the petition I direct the Secretary of the Panchayat shall conduct an enquiry in the matter during which the officials of the Panchayat will inspect the unit in question and the Panchayat will intimate sufficiently in advance the petitioner the date of inspection of the unit . On getting the intimation about the date of the inspection by the official of the Panchayat the petitioner along with other residents will part during the inspection without fail. After inspection the Secretary of the Panchayat will conduct an enquiry during which the petitioner and others whose version is necessary for deciding the matter will be examined and the owner of the unit also will be given an opportunity to produce his evidence. The Panchayat, after enquiry, pass appropriate order according to law. With the above direction the petition is closed.

Justice N.Dhinakar,  
Chairperson.