

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

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

Dated this the 23rd September, 2010.

H.R.M.P.No.574 of 2010

Petitioners : Jose Mathew, Kuzhiparambil,
Near BSNL Telephone Exchange,
Neendoor, Kottayam

Respondent :

ORDER

The present complaint of the petitioner is that in spite of the order passed by the Commission in HRMP No.2842/2009 which was registered on the complaint of the petitioners, no action was initiated by the Kerala State Pollution Control Board to prevent sound pollution emanating from the generator erected by the BSNL Telephone Exchange, Neendoor, and therefore action is necessary.

In HRMP No.2842/2010 I passed an order on the basis of the report filed by the Environmental Engineer, Kerala State Pollution Control Board (PCB), Kottayam, where in it is stated that the averments in the said HRMP are true and genuine as the generator installed is causing noise pollution in the area as no mandatory air pollution systems such as acoustic enclosures are not erected and further on account of inadequate height of exhaust pipe leading to uncontrolled sound and smoke emission from the generator set causing nuisance to the nearby residents and therefore, the erection of the generator set is in violation of the prevailing environmental laws and hence directions were issued to the BSNL

authorities to take action to stop the illegal operation of the generator set and while passing the above order reliance was also made on a judgment by the High Court of Kerala reported in 2006 (4) KLT 695 on a similar matter. The said order in the above HRMP was passed on 14-9-2009.

The present complaint in the above HRMP (HRMP No.235/2010) is that no action was initiated by the Kerala State Pollution Control Board, Kottayam, in spite of the order in HRMP No.2842/2009 passes by this Commission.

In view of the above averments in the complaint it is for the Environmental Engineer, Kerala State Pollution Control Board, Kottayam, to take immediate steps to implement the order of this Commission immediately without any delay keeping in mind that he has a public duty to perform and failure to do so may lead to serious consequences if the petitioner approaches the High Court for not implementing the orders of this Commission.

I accordingly direct the Environmental Engineer, Kerala State Pollution Control Board, Kottayam, to implement the order of this Commission in letter and spirit without any delay and then intimate the petitioner as to the steps initiated in the matter and if necessary made enquiry before any further action is taken and then pass orders accordingly.

The petition is closed with the above direction. Send a copy of this order each to the petitioner and the Environmental Engineer, Kerala State Pollution Control Board, Kottayam.

Justice N.Dhinakar,
Chairperson.