

IN THE COURT OF THE MUNSIFF, PERUMBAVOOR

Present:- Smt. Sumey Chandran, Civil Judge (Junior Division)
Monday, the 2nd day of March, 2026/ 12th Falgunam, 1947.

I.A. No. 4/2026
in
O.S. No. 336/2024

Petitioners/Defendants:-

1. Manju Industries, Elambakapilly P O, Koovappady Village,
Represented by Managing Partner K K Isacc.
- 2 K K Isacc, S/o Kuriakose, Kollely House, Vengola P O, Vengola
Kara, Vengola Village, Pin-683556.

By Adv. P T Geevarghese

Respondents/Plaintiffs:-

- 1 Subrahmanyam, S/o Narayanan, Chirangara House,
Elambakapilly P O, Elambakapilly Kara, Vegoor West Village,
Pin-683544.
- 2 Sahadevan, S/o Pappukuttan, Meppadathu House,
Elambakapilly P O, Elambakapilly Kara, Vegoor West Village,
Pin- 683544.
- 3 Manoj, S/o Thankappan, Meppadathu House, Elambakapilly
P O, Elambakapilly Kara, Vegoor West Village, Pin- 683544.

By Advs. P K Baiju, Jaji Issac & Kalyani G Menon

This petition having been finally heard before me on 02/03/2026 and the Court on the same day passed the following:-

O R D E R

1. This is a petition filed by the first defendant in the suit seeking permission of this Court to conduct a trial run of the crusher unit and to bring necessary raw materials into the unit for that limited purpose.
2. The petitioner contends that the suit has been instituted alleging air and sound pollution caused by the functioning of the crusher unit. According to

him, in order to ascertain the true factual position regarding the level of dust and noise, a commission application had already been filed and steps were taken for scientific assessment. It is further submitted that the Environmental Engineer of the Pollution Control Board has proposed inspection for the purpose of assessing air quality and sound levels. As per the procedure, machinery must be operated and the unit must be in working condition at the time of inspection. The petitioner submits that the unit has not been functioning since July 2025 due to the interim orders in the suit, and without conducting a trial run, it is not possible either to assess compliance or to carry out the proposed inspection. It is therefore prayed that limited permission be granted to run the unit for a short duration under supervision and to bring necessary raw materials to enable such trial.

3. The respondents/plaintiffs have filed objection contending that the unit was earlier operating without proper safeguards and had caused serious health issues to residents in the locality. According to them, several complaints were submitted to the Pollution Control Board and other authorities, but no effective action was taken, compelling them to institute the present suit. It is further contended that permitting a trial run would defeat the very purpose of the interim order and would again expose the public to dust and noise pollution. The maintainability of the petition is also questioned.
4. The point that arises for consideration is:- Whether, in the facts and circumstances of the case, limited permission for trial run can be granted without prejudicing the rights of either party and without compromising the subject matter of the suit?
5. **The point:-** The suit itself is founded on allegations of environmental nuisance. Determination of such allegations necessarily depends upon objective assessment of air and sound levels. Scientific evaluation cannot be

undertaken in vacuum. If the competent statutory authority, namely the Environmental Engineer of the Pollution Control Board, requires the machinery to be operated for the purpose of inspection and measurement, such requirement cannot be ignored. At the same time, this Court cannot permit unrestricted functioning of the unit in disregard of the grievance raised in the suit.

6. An interim order is intended to preserve the subject matter of the litigation and to prevent irreversible harm. It is not intended to stifle lawful regulatory inspection or prevent collection of material evidence necessary for adjudication. A controlled and supervised trial run for a limited duration, solely for the purpose of inspection by the statutory authority, would not amount to restoration of full-fledged commercial operation. On the contrary, it would assist the Court in arriving at a just conclusion based on scientific data. In the circumstances, the petition is allowed subject to strict conditions.
7. The petitioner is permitted to conduct a trial run of the crusher unit for the limited purpose of inspection and measurement by the Environmental Engineer of the Pollution Control Board. The trial run shall be conducted only on the date and during the time fixed by the said authority. Prior intimation of the date and time shall be given to the plaintiffs at least three days in advance. The petitioner is permitted to bring only such quantity of raw materials as is reasonably necessary for the said limited trial. No commercial sale or regular operation shall be carried out under the guise of trial run. The entire process shall be subject to supervision and directions of the competent authority.
8. It is made clear that this permission is purely temporary and for evidentiary and regulatory purposes alone, and shall not be construed as vacating or

modifying any interim protection granted in the suit, except to the limited extent indicated above.

Pronounced by me in open court on this the 2nd day of March, 2026.

Sd/-
Sumey Chandran,
Civil Judge (Junior Division)

Appendix:Nil

Id/-
Civil Judge (Junior Division)
(By Order)

// True copy //

(Carbon Copy issued as per order in IA. No.5/2025 in O.S. No.336/2024 dated 04/03/2026)

Examiner

Typed by: Kmb
Compd.by :Rm

Copy of Order in
I.A. No. 4/2026 in
O.S. No. 336/2024
Dated : 02/03/2026