

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.15407/2003

(From the judgement and order dated 13/06/2003 in OP 8444/2003
of The HIGH COURT OF KERALA AT ERNAKULAM)

COCHIN CORPORATION, ERNAKULAM & ANR.

Petitioner (s)

VERSUS

KARIKKAMURI RESIDENT ASSN. & ORS.

Respondent (s)

(With prayer for interim relief and office report)

Date : 06/10/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. K.K. Venugopal, Sr. Adv.
Ms. Malini Poduval, Adv.
Ms. Lansingly Rongmei, Adv.
Mr. S. Ramesh Babu, Adv.

For Respondent (s)Mr. Roy Abraham, Adv.
Ms. Seema Jain, Adv.
Mr. Himinder Lal, Adv.

Mr. Ramesh Babu M.R., Adv.
Ms. Anupama Madanan, Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard the learned counsel for the parties for a while.

Leave granted.

The civil appeal is disposed of.

No costs.

[T.I. Rajput][Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8153 OF 2003
(Arising out of S.L.P. (C) No. 15407 of 2003)

Cochin Corporation, Ernakulam & Anr. ...Appellant(s)

Versus

Karikkamuri Resident Assn. & Ors. ...Respondent(s)

O R D E R

Leave Granted.

Learned senior counsel for the appellants urged that the general direction given by the High Court in the following term, "As an interim measure, it is directed that the Corporation shall not approve any building plan or permit any construction work to any individual or organization for the construction of any building till a proper arrangement for treatment of sullage is made" cannot be sustained in view of the steps taken/being taken by the appellants, as indicated in the impugned order itself.

The learned counsel for the respondents contended that having regard to the facts and circumstances of the case, such direction could be given. We are not inclined to agree. Such a blanket or general direction could not have been given as an interim measure in relation to construction work by any individual or any organization of any building till proper arrangement is made, as stated in the impugned order. However, it is open to the High Court to pass

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appropriate orders for monitoring the steps taken or the work being done or to be done by the appellants. It is also open to both the parties to seek appropriate interim orders before the High Court, if need be.

The appeal is disposed of accordingly.

No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]

New Delhi,
October 06, 2003.