

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

WP(C). No.2027 of 2013 (C)

PETITIONER(S):

AJITH PAUL K,
S/O. PAUL DAVIS, KALAPARAMBATH HOUSE,
MALA P.O., THRISSUR DISTRICT.

BY ADV. SRI.C.PRABIN BENNY

RESPONDENT(S):

1. DEPUTY SUPERINTENDENT OF POLICE, CHLAKKUDY-680024.
2. INSPECTOR OF POLICE, CHALAKKUDY-680654.
3. THE SUB INSPECTOR OF POLICE, KORATTY-680531.
4. SAJEEVAN, S/O PARAMESHWARAN,
THOZHUTHUNGAPPARAMBU HOUSE,
P.O.KUNNAPPILLY, ADICHILY DESOM, MELOOR VILLAGE,
THRISSUR-680311.
5. PADMANABHAN,S/O KOCHAYYAPPAN,
APPANAKUZHY HOUSE, P.O.,
KUNNAPPILLY, ADICHILY DESOM, MELOOR VILLAGE,
THRISSUR- 680311
6. RAJESH, S/O BALAN,
PANIKKASSERY HOUSE, P.O.,
KUNNAPPILLY, ADICHILY DESOM, MELOOR VILLAGE,
THRISSUR-680311.
7. SANJAYAN,
S/O.DAMODHARAN, MUTTIYANI PARAMBIL HOUSE,
ADICHILY DESOM, MELOOR VILLAGE, THRISSUR-680311.
8. NANDANAN,
S/O.PADMANABHAN, APPANAKUZHY HOUSE, ADICHILY DESOM,
MELOOR VILLAGE, THRISSUR-680311.

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R4 TO 8 BY ADVS. SRI.P.GSURESH
SRI.C.V.MANUVILSAN

R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.P.IDAVIS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1:- COPY OF THE SHOT FIRER'S CERTIFICATE NO.E/SE/KL/30/499(E67097) DATED 19.3.2012 ISSUED BY THE MINISTRY OF COMMERCE AND INDUSTRY PETROLEUM AND EXPLOSIVE SAFETY ORGANISATION.

P2:- COPY OF THE EXPLOSIVE LICENCE NO.E/SC/KL/22/1345 (E62585) DATED 2.1.2012 ISSUED BY THE MINISTRY OF COMMERCE & INDUSTRY PETROLEUM & EXPLOSIVE SAFETY ORGANISATION.

P3:- COPY OF THE CONSENT TO OPERATE OBTAINED FROM THE KERALA STATE POLLUTION CONTROL BOARD.

P4:- COPY OF THE LICENCE ISSUED BY THE SECRETARY MELOOR GRAMA PANCHAYAT.

P5:- COPY OF QUARRYING PERMIT DATED 10.5.2012 ISSUED BY THE DEPARTMENT OF MINING & GEOLOGY.

P6:- COPY OF THE NO OBJECTION CERTIFICATE DATED 29.6.2011 FROM ASST. DIVISIONAL OFFICER FIRE & RESCUE SERVICES, THRISSUR.

P7:- COPY OF THE WRITTEN COMPLAINT DATED 25.7.2012 FILED BY THE PETITIONER BEFORE THE THIRD RESPONDENT SUB INSPECTOR OF POLICE, KORATTY.

P8:- COPY OF THE RECEIPT DATED 25.7.2012 ISSUED BY THIRD RESPONDENT.

P9:- COPY OF THE COMPLAINT FILED BY THE PETITIONER DATED 27.7.2012 BEFORE THE THIRD RESPONDENT SUB INSPECTOR.

P10:- COPY OF THE RECEIPT DATED 28.7.2012 ISSUED BY THE THIRD RESPONDENT.

P11:- COPY OF THE FIR IN CRIME NO.1793/12 OF KORATTY POLICE STATION.

P12:- COPY OF THE PETITION DATED 15.1.2013 SEEKING ADEQUATE POLICE PROTECTION FILED BY THE PETITIONER BEFORE THE THIRD RESPONDENT.

P13:- COPY OF THE RECEIPT DATED 15.1.2013 ISSUED BY THE THIRD RESPONDENT.

P14:- COPY OF THE PETITION DATED 15.1.2013 SEEKING ADEQUATE POLICE PROTECTION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

P15:- COPY OF THE RECEIPT DATED 15.1.2013 ISSUED BY THE 2ND RESPONDENT.

P16:- COPY OF THE PETITION DATED 15.1.2013 SEEKING ADEQUATE POLICE PROTECTION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

P17:- COPY OF THE RECEIPT DATED 15.1.2013 ISSUED BY THE 1ST RESPONDENT.

P18:- COPY OF THE G.O(MS) NO.144/2012/D DATED 11.12.2012.

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APPENDIX

RESPONDENTS' EXHIBITS:

R4(A):- TRUE PHOTOCOPY OF THE SKETCH OF THE PROPERTY INVOLVED IN QUARRYING ISSUED BY THE VILLAGE OFFICER.

R4(B):- TRUE PHOTOCOPY OF THE GOVERNMENT ORDER DATED 07.08.2012.

KRJ

//true copy// P.A to Judge

**ASHOK BHUSHAN, C.J &
A.M.SHAFFIQUE, J.**

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W.P(C) No.2027 of 2013

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Dated this the 11th day of December, 2015

JUDGMENT

Shaffique, J

This writ petition has been filed seeking police protection in the matter relating to functioning of a quarry. It is stated that respondents 4 to 8 and their men were obstructing the functioning of the quarry. Petitioner submits that he had all necessary licence and permission to carry on the activity and though complaints were given to the police, no action was taken by the police to render police protection. Hence, this writ petition has been filed.

2. Counter affidavit has been filed by the respondents 4 to 8, *inter alia*, stating that the petitioner had been misusing the quarrying permits and is expanding the activity, despite the grant of permit.

3. Be that as it may, no untoward incident has been reported during the pendency of the present writ petition. Hence, we close the

writ petition with liberty to the petitioner to approach the police if there is any further cause of action, provided he has all valid licence and permits for carrying on the quarrying activity. The contentions urged on behalf of respondents 4 to 8 are left open to be decided in appropriate proceedings.

Sd/-

**ASHOK BHUSHAN
CHIEF JUSTICE**

Sd/-

**A.M.SHAFFIQUE
JUDGE**

krj.11/12/15