

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 3147 of 2013 (P)

PETITIONER(S):

**M/S. HIMAVALL MINES & INDUSTRIES (INDIA) PVT. LTD.,
REGD. OFFICE; MP/XX/89, LALBAGH ESTATE,
16TH MILESTONE, THONNAKKAL P.O.,
THIRUVANANTHAPURAM-695 026,
REPRESENTED BY ITS ADMINISTRATIVE
MANAGER RAJEEV KUMAR,
S/O.LATE SUKUMARAN NAIR, AGED 37,
RESIDING AT SOWPARNIKA VILLA,
KALLARA P.O. THIRUVANANTHAPURAM-695 608.**

**BY ADVS.SRI.P.B.KRISHNAN,
SMT.GEETHA P.MENON,
SRI.N.AJITH,
SRI.P.M.NEELAKANDAN,
SRI.P.B.SUBRAMANYAN.**

RESPONDENT(S):

- 1. THE CIRCLE INSPECTOR OF POLICE,
PETTAH, THIRUVANANTHAPURAM-695 001.**
- 2. THE SUB INSPECTOR OF POLICE,
PETTAH, THIRUVANANTHAPURAM-695 001.**
- 3. SHIJU, S/O.RAJU,
MADHAVAPURAM, TITANIUM POST,
THIRUVANANTHAPURAM-695 021.**
- 4. SANJU, S/O.LATE SATHEESAN,
MADHAVAPURAM, TITANIUM POST,
THIRUVANANTHAPURAM-695 021.**
- 5. ANI @ SWARNAPALLAN,
S/O.LATE SATHEESAN, MADHAVAPURAM,
TITANIUM POST, THIRUVANANTHAPURAM-695 021.**

WP(C).No. 3147 of 2013 (P)

**6. M/S. EICL LIMITED (ENGLISH INDIAN CLAYS LTD.),
T.C.79/4, VELI, THIRUVANANTHAPURAM-695 021,
REPRESENTED BY ITS MANAGER.**

**R1 & R2 BY SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR.
R3 TO R5 BY ADV. SRI.D.KISHORE.
R6 BY ADVS. SRI.P.RAMAKRISHNAN,
SMT.PREETHI KESAVAN,
SRI.T.C.KRISHNA,
SRI.C.ANIL KUMAR,
SMT.ASHA K.SHENOY,
SRI.PRATAP ABRAHAM VARGHESE.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 DATED 29/01/2013, COPY OF THE MINUTES OF THE MEETING OF DIRECTORS OF THE PETITIONER LETTER COMPANY ON 29/01/2013.
- EXT.P2 DATED 14/01/2013, COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE PETITIONER AND RESPONDENT NO.6.
- EXT.P3 DATED 28/01/2013, COPY OF THE COMPLAINT MADE BY THE PETITIONER BEFORE RESPONDENT NO.1.
- EXT.P4 DATED 05/09/2012, COPY OF THE ORDER IN WP(C).NO.20582/2012-W.
- EXT.P5 DATED 08/10/2012, COPY OF THE JUDGMENT IN WP(C).NO.20582/2012-W.

RESPONDENT'S EXHIBITS:-

- EXT.R3A COPY OF THE MINUTES OF THE MEETING HELD ON 30/04/2012 REGARDING THE ISSUED OF WASTE SAND REMOVAL.
- EXT.R3B COPY OF THE MEMORANDUM OF WP(C).NO.10966/2012.
- EXT.R3C COPY OF THE JUDGMENT DATED 05/06/2012 OF THIS HONOURABLE COURT IN WP(C).NO.10966/2012.
- EXT.R3D COPY OF THE MEMORANDUM OF WP(C).NO.20582/2012.
- EXT.R3E COPY OF THE COUNTER AFFIDAVIT FILED BY THE FIRST RESPONDENT IN WP(C).NO.20582/2012.
- EXT.R3F COPY OF THE ADDITIONAL COUNTER AFFIDAVIT FILED BY THE FIRST RESPONDENT IN WP(C).NO.20582/2012.
- EXT.R3G COPY OF THE REPRESENTATION DATED 03/02/2013 SUBMITTED BY THE 3RD RESPONDENT BEFORE THE DISTRICT LABOUR OFFICER, THIRUVANANTHAPURAM.
- EXT.R3H COPY OF THE PROCEEDINGS NO.LR2 820/13 DATED 05/02/2013 OF THE DISTRICT LABOUR OFFICER, THIRUVANANTHAPURAM.

//TRUE COPY//

P.S. TO JUDGE

rs.

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 3147 of 2013

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Dated this, the 7th day of December, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking police protection in the matter of removal of waste sand on the basis of a work order issued by the 6th respondent.

It is submitted by the learned counsel for the petitioner that the petitioner was unable to carry on the work on account of the obstructions that had been caused and in the meantime, the period of work order is also expiring. He has sought leave to approach the police in the event the petitioner is able to obtain the work order. It shall always be open for the petitioner to seek appropriate remedies, if there is a further cause of action.

Writ petition is disposed of as above.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp7/12/2015

//True Copy//

PS to Judge