

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 4152 of 2015 (T)

PETITIONER :

ANIE.P.ROBIN AGED 42 YEARS
EVERGREEN, PERINGANADU, POTHADI
ADOOR, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
HOME DEPARTMENT, SECRETARIATE
THIRUVANANTHAPURAM-695 001.
2. THE SENIOR GEOLOGIST
MINING AND GEOLOGY, MINI CIVIL STATION, ARANMULA
PATHANAMTHITTA 689 547.
3. DISTRICT POLICE CHIEF, PATHANAMTHITTA-689 645.
4. INSPECTOR OF POLICE
OFFICE OF THE INSPECTOR OF POLICE, ADOOR
PATHANAMTHITTA DISTRICT-689 676.
5. BIJOYI VIJAYAN
SANTHALAYAM, MELOOD P.O., ADOOR
PATHANAMTHITTA DISTRICT-689 698.
6. RADHAKRISHNAN
REMYA BHAVAN, PAZHAKULAM P.O., ADOOR
PATHANAMTHITTA DISTRICT-689 698.
7. ANIL,
ANIL BHAVAN, PAZHAKULAM P.O., ADOOR
PATHANAMTHITTA DISTRICT, PIN 689 698.

R1 TO R4 BY SR.GOVERNMENT PLEADER, SRI. C.R. SYAM KUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 4152 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1: TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE PANCHAYATH.

EXHIBIT-P2: TRUE COPY OF THE G.O.(P) 93/2014/ID DATED 30.6.2014.

EXHIBIT-P3: TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.1456/2014
DATED 15.1.2015.

EXHIBIT-P4: TRUE COPY OF THE LETTER ISSUED BY THE ASSISTANT ENGINEER,
KARUNAGAPALLY MUNICIPALITY DATED 22.12.2014
(WITH ENGLISH TRANSLATION).

EXHIBIT-P5: TRUE COPY OF THE PERMIT ISSUED IN A SIMILAR CASE BY THE 2ND
RESPONDENT ON 24.12.2014 WITH VALIDITY FROM 24.12.2014
TO 1.1.2015 (WITH ENGLISH TRANSLATION).

EXHIBIT-P6: A TRUE COPY OF THE PETITION DATED 13.1.2015 WITH RECEIPT
ISSUED BY THE 4TH RESPONDENT(WITH ENGLISH TRANSLATION).

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/
PA TO JUDGE

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

W.P.(C) No. 4152 OF 2015

Dated this the 23rd day of February, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection alleging that obstruction is caused by respondents 5 to 7 and their men, when attempts were made by petitioner for constructing a house by removing the red earth from the property. It is submitted that the petitioner's property is lying in a slanting position which requires to be levelled initially and when petitioner tried to level the property, private respondents have obstructed the same.

2. Petitioner filed a complaint before police, but no action has been taken. Though notice was served on respondents 5 to 7, there is no appearance on their behalf.

3. Learned government Pleader on instructions would submit that the issue is removal of red earth from the property of petitioner for which the petitioner has not obtained any transportation pass in 'P Form' from the Geologist. As far as levelling of the property is concerned, there is no

obstruction at all. Learned counsel for the petitioner submits that presently the petitioner is only attempting to level the property and that she will transport the earth only after getting necessary pass from the Geologist. Under these circumstances we are of the view that this Writ Petition can be disposed of as under:

The 4th respondent shall ensure that no obstruction is being caused by respondents 5 to 7 or their men in the matter relating to levelling of property. If petitioner wants to remove ordinary earth from the property, it shall be done after obtaining necessary pass(P Form) from the Geologist.

The Writ Petition is disposed of as above.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**

WP(C) No. 4152 of 2015

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