

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

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 4680 of 2015 (H)

PETITIONER :

L.VIJAYAN, S/O.LATE LAKSHMANAN,
RAJESH BHAVAN, KARUVELIL P.O.,
EZHUKONE, PAVITHRESWARAM VILLAGE,
KOTTARAKKARA, KOLLAM.

BY ADVS.SRI.B.MOHANLAL
SRI.A.SANIL KUMAR

RESPONDENTS :

1. THE STATE POLICE CHIEF, POLICE HEADQUARTERS,
VAZHUTHACAUD P.O., THIRUVANANTHAPURAM - 695 014.
2. THE DISTRICT POLICE CHIEF,
KOLLAM RURAL, KOTTARAKKARA P.O.,
KOLLAM - 691 506.
3. THE CIRCLE INSPECTOR OF POLICE, KOTTARAKKARA,
KOTTARAKKARA P.O.,KOLLAM - 691 506.
4. THE STATION HOUSE OFFICE, KOTTARAKKARA POLICE STATION,
KOTTARAKKARA P.O., KOLLAM - 691 506.
5. THE SENIOR GEOLOGIST, MINING AND GEOLOGY DEPARTMENT,
DISTRICT OFFICE, KOLLAM - 691 001.
6. SRI.P. SALIM KUMAR, S/O.PURUSHOTHAMAN,
YAMUNA MANDIRAM, KIZHAKKEKALLADA P.O.,
KIZHAKKEKALLADA, KOLLAM - 691 502.
7. SRI.MANIYAN PILLAI, S/O. RAGHAVAN PILLAI,
VENKULATH VEEDU, KAITHACODE, PAVITHRESWARAM VILLAGE,
KOTTARAKKARA TALUK, KOLLAM - 691 507.

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8. SRI.UNNI, @ SUKUMARAN, NEDIYAVILA PUTHEN VEEDU,
THRIKKANNAMANGAL, KOTTARAKKARA P.O.,
KOTTARAKKARA VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT - 691 506.

R1 TO R5 BY STATE ATTORNEY, SRI.P. VIJAYARAGHAVAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE POWER OF ATTORNEY EXECUTED BY SRI.GEORGE JOHN IN FAVORU OF THE PETITIONER DATED 13.03.2014.

EXT.P2 : TRUE COPY OF THE CERTIFICATE NO.G-1677.CER.430/2013 DATED 11.12.2013 ISSUED BY THE DISTRICT SOIL CONSERVATION OFFICER, KOLLAM TO THE PETITIONER.

EXT.P3 : TRUE COPY OF THE ENVIRONMENTAL CLEARANCE NO.82/2014 DATED 31.10.2014 ISSUED BY THE STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY TO THE PETITONER.

EXT.P4 : TRUE COPY OF THE TAX RECEIPT IN RESPECT OF THE PROPERTY ISSUED BY THE VILLAGE OFFICER, KOTTARAKKARA AND ITS ENGLISH TRANSLATION.

EXT.P5 : TRUE COPY OF THE COMMUNICATION NO.:B2-1606/15 DATED 17.01.2015 ISSUED BY THE ADDITONAL TAHSILDAR TO THE 5TH RESPONDENT AND ITS ENLGISH TRANSLATION.

EXT.P6 : TRUE COPY OF THE PERMISSION NO.184/14-15/DOQ/134/15 DATED 03.02.2015 AND ITS ENGLISH TRANSLATION.

EXT.P7 : TRUE COPY OF THE ORDER NO.B-1926/15/K.DIS. DATED 03.02.2015 ISSUED BY THE RDO KOLLAM AND ITS ENLGISH TRANSLATION.

EXT.P8 : TRUE COPY OF THE COMPLAINT DATED 09.02.2015 FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT AND ITS ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS:

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 4680 OF 2015

Dated this the 13th day of February, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel for the petitioner and learned Government Pleader. No notice is being issued to respondent Nos. 6 to 8 in view of the order which is being passed.

2. By this writ petition the petitioner has prayed for a mandamus directing respondents 1 to 4 to afford adequate and effective police protection for life and property of the petitioner and his workers to remove earth from 61.80 Ares of property comprised in Re-survey No.386/7 of Kottarakkara Village as per Exts.P3, P5, P6 and P7 orders, from the obstruction of respondents 6 to 8.

3. Petitioner's case is that though the petitioner is having all necessary permissions including the permission issued by the Geologist for removing earth, obstruction has been caused by respondents 6 to 8. He submits that Ext.P8 complaint was submitted before the Station House Officer on 09.02.2015.

4. Learned State Attorney appearing for the respondents, after obtaining instructions, submitted that on receiving Ext.P8 complaint, respondents 6 to 8 were called and they have been warned not to create any obstruction. It is submitted that respondents 6 to 8 had given an undertaking not to cause any interference. In the above view of the matter we see no need to issue any further direction. However, it shall be open for the petitioner to submit a complaint, if any obstruction is created by respondents 6 to 8 on which appropriate action shall be taken in accordance with law.

With the above observation, the Writ Petition is closed.

**Ashok Bhushan,
Acting Chief Justice.**

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

WP(C) No. 4680 of 2015

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