

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 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No. 4805 of 2015 (A)

PETITIONER(S) :-

SHINOJ, AGED 34 YEARS, S/O.ABDULKHADER
MANADATH HOUSE, PARAMBHAYAM, NEDUMBASSERY P.O.
ALUVA TALUK

BY ADV. SRI.V.M.ALI

RESPONDENT(S) :-

1. SUPERINTENDENT OF POLICE
THRISSUR DISTRICT - 680001.
2. SUB INSPECTOR OF POLICE
MALA POLICE STATION, MALA - 680 019.
3. P.R.KUNJAPPAN, AGE NOT KNOWN, S/O.RAMAN
PAYYAPPILLY HOUSE, KUNDOOR VAYALAR
THIRUMUKKULAM.P.O., 680 019.

R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

WP(C).No. 4805 of 2015 (A)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1- TRUE COPY OF THE WP(C) NO.28990/2014 WITHOUT DOCUMENTS.

EXT.P2- TRUE COPY OF THE ORDER WP(C) NO.28990/14.

EXT.P3- TRUE COPY OF THE PETITION DATED 1.1.15 SUBMITTED TO THE 2ND
RESPONDENT WITH ENGLISH TRANSLATION.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.4805 of 2015

Dated this the 16th day of February 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking police protection inter alia contending that he has got right to remove clay from certain item of property. His application for issuance of P-form is pending consideration before the Geologist. In the mean time, the 3rd respondent is obstructing the removal of clay from the property.

2. The petitioner claims that he has got all valid right to remove the clay and that the 3rd respondent has no legal right to prevent the said activity. Though an application was submitted for issuance of P-form, no action has been taken in the matter and therefore, the petitioner has approached this Court.

3. It is evident from Ext.P2 judgment in W.P.(C) No.28990 of 2014 that the learned Single Judge of this Court has directed that the petitioner to approach the District Geologist to ascertain the quantity of clay to be transported by the petitioner and to issue necessary P-form to the petitioner. Apparently, the P-form

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has not been issued till now. Under such circumstances, the petitioner has no right to remove clay without P-form being issued by the Geologist.

Hence, the writ petition is closed with liberty to the petitioner to approach this Court if there is any obstruction from the 3rd respondent when the petitioner tries to remove clay from the property on obtaining necessary P-form.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE