

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**

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 7245 of 2015 (E)

PETITIONER :

**LAWRENCE P.S.,
PADAYATTY HOUSE,
MATTOOR P.O., KALADY
PIN-683 574.**

**BY ADVS.SRI.P.K.IBRAHIM
SMT.K.PAMBIKA
SMT.A.A.SHIBI**

RESPONDENT(S) :

- 1. THE SUB INSPECTOR OF POLICE
KALADY POLICE STATION, KALADY, PIN-683 574.**
- 2. THE CIRCLE INSPECTOR OF POLICE
KALADY, PIN-683 574.**
- 3. DEPUTY SUPERINTENDENT OF POLICE
PERUMBAVOOR, PIN-683 542.**
- 4. DEVADAS
SARASWATHY NILAYAM,
MAROTTICHODE, MATTOOR P.O.
PIN-683 574.**
- 5. JOSEPH VARKEY
KAITHARATH HOUSE,
MAROTTICHODE, MATTOOR P.O.
PIN-683 574.**
- 6. ANTO
KOLENCHERY HOUSE,
MAROTTICHODE, MATTOOR P.O.
PIN-683 574.**

7. JOSE PALATTY
PALATTY HOUSE,
MAROTTICHODE, MATTOOR P.O.
PIN-683 574.

8. ANTO ARAKKAL
ARAKKAL HOUSE,
MAROTTICHOIDE, MATTOOR P.O.
PIN-683 574.

R1 TO R3 BY SPL. GOVT. PLEADER SRI. C.R. SYAMKUMAR
R4 & R5 BY ADVS. SRI.P.G.SURESH
SRI.G.SUDHEER (THURAVOOR)
SRI.RAJAN VISHNURAJ
SRI.V.HARISH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...3/-

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 : COPY OF THE BUILDING PERMIT DTD.24.2.2015 ISSUED BY THE KALADY GRAMA PANCHAYAT.
- EXT. P2 : COPY OF THE NOC OF THE DISTRICT MEDICAL OFFICER, ERNAKULAM DTD.19.12.2014.
- EXT. P3 : COPY OF THE NO OBJECTION CERTIFICATE DTD.20.12.2014 ISSUED BY THE FIRE AND RESCUE SERVICES, ERNAKULAM TO THE SECRETARY KALADY GRAMA PANCHAYAT FOR ISSUING LICENSE TO SET UP THE UNIT.
- EXT. P4 : COPY OF THE CONSENT ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD DTD.14.1.2015.
- EXT. P5 : COPY OF THE PETITIONS DTD.24.2.2015 SEPARATELY ADDRESSED TO THE RESPONDENTS 1 AND 2.
- EXT. P5(a): COPY OF ENGLISH TRANSLATION OF EXT.P5.
- EXT. P6 : COPY OF THE REPRESENTATION DTD.4.3.2015 SEEKING POLICE PROTECTION ALONG WITH ITS ENCLOSURES.
- EXT. P7: CONSENT ORDER DATED 11.6.2013 ISSUED BY THE PCB FOR POLISHING, CUTTING AND ITCHING.
- EXT. P8 : COPY OF THE ORDER NO. A2-6991/2014 DATED 19.1.2015 ACCORDING PERMISSION TO ESTABLISH WORK PLACE UNDER DANGEROUS AND OFFENSIVE TRADE RULE.

RESPONDENT(S)' EXHIBITS :

- EXT. R4(a): TRUE PHOTOCOPY OF THE D & O LICENSE ISSUED BY PANCHAYATH TO THE PETITIONER FOR CONDUCTING A GODOWN FOR THE STOCKING AND SALE OF GLASS, PLYWOOD AND LAMINATED SHEET ALONG WITH ITS TRANSLATION.
- EXT. R4(b): TRUE PHOTOCOPY OF THE COMPLAINT DATED 16.12.2014 REFERRED BY THE LOCALITES BEFORE THE GRAMA PANCHAYATH ALONG WITH ENGLISH TRANSLATION.
- EXT. R4(c): TRUE PHOTOCOPY OF THE RECEIPT OF ACKNOWLEDGMENT FROM THE KALADY GRAMA PANCHAYATH ALONG WITH ITS ENGLISH TRANSLATION.

- EXT. R4(d): TRUE PHOTOCOPY OF THE NOTICE FOR HEARING ON 24.1.2015
ISSUED BY THE GRAMA PANCHAYATH TO THE 4TH RESPONDENT
ALONG WITH ITS ENGLISH TRANSLATION.**
- EXT. R4(e): TRUE PHOTOCOPY OF THE WRITTEN ARGUMENT SUBMITTED BY THE
4TH RESPONDENT FOR THE HEARING ALONG WITH ITS ENGLISH
TRANSLATION.**
- EXT. R4(f): TRUE PHOTOCOPY OF THE APPLICATION PREFERRED BY THE
PETITIONER FOR SETTING UP OF THE GLASS TOUGHENING UNIT.**
- EXT. R4(g): TRUE PHOTOCOPY OF THE COMPLAINT PREFERRED BY THE 4TH
RESPONDENT BEFORE THE 1ST RESPONDENT ALONG WITH ITS
ENGLISH TRANSLATION.**
- EXT. R4(h): TRUE PHOTOCOPY OF THE RECEIPT OF ACKNOWLEDGMENT FROM
THE OFFICE OF THE 1ST RESPONDENT.**

//TRUE COPY//

P.S. TO JUDGE

Mn

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

W.P.C.No.7245 of 2015

Dated this the 24th day of March 2015

J U D G M E N T

Shaffique,J

Petitioner has approached this Court seeking for police protection to establish a unit which is permitted in terms of Ext.P8 order dated 19/01/2015. It is inter alia contended that the private respondents are creating obstruction in the establishment of the unit contending that the unit may cause pollution. It is submitted that the petitioner had already obtained all necessary licence/permission from the competent authorities including the Pollution Control Board to establish the unit.

2. Counter affidavit has been filed by respondents 4 and 5 inter alia stating that the licence/permission obtained by the petitioner is illegal and cannot be relied upon. According to them, Ext.P8 permission was given under Section 233 of the Kerala Panchayath Raj Act without

conforming to the statutory provisions and without considering all the statutory requirements, which is evident from the documents produced by the petitioner himself.

3. Having regard to the aforesaid factual situation, it is clear that the petitioner has presently the necessary licence/permission for establishing the unit. If the private respondents have a case that the permission has been obtained illegally or there is any lack of proper consideration by the authorities while granting such permission/licence, it is open for them to challenge the said licence/permission before the appropriate forum or the Court, as the case may be. But they cannot take law into their hands and prevent the establishment of the unit by the petitioner.

4. Under such circumstances, there will be a direction to respondents 1 and 2 to ensure that law and order situation is maintained in the matter relating to establishment of the unit by the petitioner. However, this judgment will be subject to any further orders that may be

passed by the Court or competent statutory authority in this regard.

This writ petition is disposed of as above.

(sd/-)
**(ASHOK BHUSHAN,
ACTING CHIEF JUSTICE)**

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

