

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

WP(C).No. 7941 of 2014 (P)

PETITIONER(S):

KINFRA INTERNATIONAL, APPAREL & INDUSTRIAL PARK
ENTREPRENEURS ASSOCIATION, REPRESENTED BY THE PRESIDENT,
RAMAMURTHY V., AGED 71 YEARS, S/O.VENKATESA IYER,
KINFRA PARK, MENAMKULAM, THUMBA, THIRUVANANTHAPURAM.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR

RESPONDENT(S) :

1. THE SUPERINTENDENT OF POLICE(RURAL), THIRUVANANTHAPURAM,
OFFICE OF THE SUPERINTENDENT OF POLICE (RURAL),
VIKAS BHAVAN, THIRUVANANTHAPURAM - 695 033.
2. THE CIRCLE INSPECTOR OF POLICE,
KAZHAKOOTAM, THIRUVANANTHAPURAM - 695 014.
3. THE SUB INSPECTOR OF POLICE,
KAZHAKOOTAM, THIRUVANANTHAPURAM - 695 014.
4. THE MANAGING DIRECTOR, KINFRA APPAREL & INDUSTRIAL PARK,
MENAMKULAM, THUMBA, THIRUVANANTHAPURAM - 695 586.
5. SHIBU SYLVESTER,THE CONVENER,
THUMBA PEOPLE'S ACTION COUNCIL, THUMBA,
THIRUVANANTHAPURAM - 695 586.
6. THE TAHSILDAR,
THIRUVANANTHAPURAM - 695 001.

R1 TO R3 & R6 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

R4 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR

SRI.P.GOPINATH

SRI.P.BENNY THOMAS

SRI.K.JOHN MATHAI

R5 BY ADVS. SMT.AYSHA YOUSEFF

SMT.MOLLY JACOB

SMT.RABIA BEEGAM T.K.

SRI.JOBI.A.THAMPI

SMT.T.V.SREEJA

SMT.M.KABANI DINESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: THE TRUE COPY OF THE PETITION DATED 20.02.2014 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

EXHIBIT P2: THE TRUE COPY OF THE ORDER DATED 20.02.2014 ISSUED BY THE TAHSILDAR, THIRUVANANTHAPURAM THE 6TH RESPONDENT HEREIN WITH TRANSLATION.

EXHIBIT P3: THE TRUE COPY OF THE PETITION FOR POLICE HELP FILED BY THE 4TH RESPONDENT THROUGH ITS MANAGER TECHNICAL DATED 05.03.2014.

EXHIBIT P4: THE TRUE COPY OF THE PETITION DATED 05.03.2014 FOR POLICE HELP FILED BY THE PETITIONER.

EXHIBIT P4(A): THE TRANSLATED VERSION OF EXHIBIT P4.

EXHIBIT P5: THE TRUE COPY OF THE AGREEMENT DATED 05.03.2014 FOR SUPPLY OF WATER TO THE LOCALS BY THE KINFRA.

EXHIBIT P5(A): THE TRANSLATED VERSION OF EXHIBIT P5.

EXHIBIT P6: THE TRUE COPY OF THE PETITION FOR POLICE PROTECTION DATED 11.03.2014 TO RESPONDENTS 1 TO 3 WITH RECEIPTS THEREON.

RESPONDENT(S)' EXHIBITS :

EXT.R5(A): TRUE COPY OF THE REGISTRATION CERTIFICATE NO.2508/07 DATED 26.09.2007.

EXT.R5(A)(A): TRUE COPY OF THE ENGLISH TRANSLATION OF THE REGISTRATION CERTIFICATE NO.2508/07 DATED 26.09.2007.

EXT.R5(B): TRUE TYPED COPY OF THE LETTER DATED 19.04.2011 OF THE ENVIRONMENTAL ENGINEER OF THE POLLUTION CONTROL BOARD.

EXT.R5(C): TRUE TYPED COPY OF THE WATER ANALYSIS REPORT DATED 18.12.2013 OF FOOD ANALYST FROM THE TUBE WELL OF MR.GEORGE.D.

EXT.R5(C)(A): TRUE COPY OF THE ENGLISH TRANSLATION OF WATER ANALYSIS REPORT DATED 18.12.2013 OF FOOD ANALYST FROM THE TUBE WELL OF MR.GEORGE D.

EXT.R5(D): TRUE TYPED COPY OF THE WATER ANALYSIS REPORT DATED 20.01.2014 OF FODD ANALYST FROM THE BOREWELL OF MARY SHEEBA.

EXT.R5(D)(A): TRUE COPY OF THE ENGLISH TRANSLATION OF WATER ANALYSIS REPORT DATED 20.01.2014 OF FOOD ANALYST FROM THE BOREWELL OF MARY SHEEBA.

EXT.R5(E): TRUE COPY OF THE INFORMATION DATED 31.03.2012 WRONGLY SHOWN AS DATED 31.03.2011, OBTAINED FROM PUBLIC INFORMATION OFFICER UNDER RIGHT TO INFORMATION ACT.

EXT.R5(F): TRUE COPY OF THE REPRESENTATION DATED 22.01.2014 SUBMITTED BY THUMBA KINFRA ACTION COUNCIL.

EXT.R5(F)(A): TRUE COPY OF THE ENGLISH TRANSLATION OF THE REPRESENTATION DATED 22.01.2014 SUBMITTED BY THUMBA KINFRA ACTION COUNCIL.

EXT.R5(G): TRUE COPY OF THE REPRESENTATION DATED 04.02.2014 SUBMITTED BY THE PARISH ACTION COUNCIL, THUMBA PARISH TO EXCELLENT KUDUMBASHREE, THUMBA.

EXT.R5(G)(A): TRUE COPY OF THE ENGLISH TRANSLATION OF THE REPRESENTATION DATED 04.02.2014 SUBMITTED BY THE PARISH ACTION COUNCIL, THUMBA PARISH TO EXCELLENT.

//TRUE COPY//

P.A.TO JUDGE.

Msd.

**ASHOK BHUSHAN, C.J &
RAJA VIJAYARAGHAVAN V., J.**

W.P.(C) No.7941 of 2014

Dated this the 11th day of December 2015

J U D G M E N T

Ashok Bhushan, CJ.

Heard the learned counsel for the petitioner as well as the learned counsel appearing for respondents 4 and 5.

2. The petitioner has come up with this writ petition seeking for police protection to them allowing entry of the workers, vehicles and the owners of the different industrial units at the Kinfra through the entry gates without any obstruction by the agitation under the leadership of the 5th respondent.

3. Learned Government Pleader submits that after a meeting with the private respondents, Kinfra had agreed for supplying water to the locals and on account of the said settlement, no untoward incident has been reported after filing of the writ petition.

4. It is submitted by the learned counsel for the 4th respondent that there is already an order by the Collector for supplying drinking water to the local people.

5. In the above view of the matter, we are of the view that this writ petition can be closed with liberty to the petitioner to approach the police, if there is any further cause of action. However, we noticed that in the order of this Court dated 8.4.2014, it was recorded the submission of the learned Government Pleader that there is no law and order situation. Observation was also made that the writ petition is misconceived and it is intended only to overreach the liability to provide water.

Be that as it may, we do not find any justification to continue with this police protection matter. Accordingly, we close the writ petition with the observation as above.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**RAJA VIJAYARAGHAVAN V
JUDGE**