

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

WP(C).No. 11016 of 2013 (B)

PETITIONER:

**C.THOMAS, S/O.CHACKO THOMAS,
AGED 39 YEARS, PROPRIETOR,
TRINITY CONSTRUCTIONS & CONTRACTORS,
KAYAKKODI AMSOM DESOM, VATAKARA TALUK,
KOZHIKODE DISTRICT.**

BY ADV. SRI.ABRAHAM THOMAS (PUTHURAN)

RESPONDENT(S):

- 1. THE DISTRICT POLICE CHIEF,
KOZHIKODE RURAL, KOZHIKODE - 673 004.**
- 2. STATION HOUSE OFFICER,
THOTTILPALAM POLICE STATION, KAYAKKODY,
VATAKARA TALUK, KOZHIKODE - 673 508.**
- 3. RAMATH ALI HAJI, S/O.KUNHABDULLA,
KUZHICHAKANDATHIL HOUSE,
AYANCHERI AMSOM, DESOM, VATAKARA TALUK,
KOZHIKODE DISTRICT - 673 541.**

**R1 & R2 BY SENIOR GOVT. PLEADER SRI.P.I.DAVIS
R3 BY ADVS. SRI.K.CHANDRACHODAN (ERNAKULAM)
SRI.INNOCENT FRANCIS PAPALI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1: TRUE COPY OF THE AGREEMENT DATED 5.9.2011.
- EXHIBIT P2: TRUE COPY OF THE QUARRYING PERMIT DATED 28.9.2011 ISSUED BY THE GEOLOGIST.
- EXHIBIT P3: TRUE COPY OF THE CONSENT TO ESTABLISH ISSUED BY THE POLLUTION CONTROL BOARD.
- EXHIBIT P4: TRUE COPY OF THE EXPLOSIVE LICENCE DATED 18.9.2012 ISSUED TO THE PETITIONER.
- EXHIBIT P5: TRUE COPY OF THE APPLICATION DATED 16.11.2011 SUBMITTED BY THE TAHSILDAR, VADAKARA.
- EXHIBIT P6: TRUE COPY OF THE LICENCE NO.86/12-13 DATED 24.9.2012.
- EXHIBIT P7: TRUE COPY OF THE CERTIFICATE ISSUED BY THE KAYAKODI GRAMA PANCHAYAT.
- EXHIBIT P8: TRUE COPY OF THE MINING MATES CERTIFICATE OF COMPETENCY.
- EXHIBIT P9: TRUE COPY OF THE INSURANCE POLICY.
- EXHIBIT P10: TRUE COPY OF THE SITE PLAN.
- EXHIBIT P11: TRUE COPY OF THE ORDER DATED 4.12.2012 PASSED BY THE COURT OF THE SUBORDINATE JUDGE OF VADAKARA IN I.A.NO.440/2012 IN OS NO.77/2012.
- EXHIBIT P12: TRUE COPY OF THE STATEMENT OF THE PETITIONER GIVEN BEFORE THE 2ND RESPONDENT.
- EXHIBIT P13: TRUE COPY OF THE COMPLAINT BEFORE THE HON.MINISTER FOR THE SCHEDULED TRIBE YOUTH WELFARE.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

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

W.P.(C) No.11016 of 2013

Dated this the 14th day of December 2015

J U D G M E N T

Shaffique, J.

This writ petition has been filed seeking for police protection for functioning of a quarry on the basis of Ext.P1 lease deed in Re-survey No.120/1 of Kayakodi Amsom.

2. Counter affidavit has been filed by the 3rd respondent disputing the fact that the operation of the quarry is being done in the area, where permit has been issued.

3. Learned Government Pleader submits that the permit granted in favour of the petitioner had expired on 27.9.2013.

4. Having regard to the fact that the period of permit has already expired, we do not think that we should decide the matter on merits and issue any direction as prayed for in this writ petition.

Hence, we close the writ petition with liberty to the petitioner to approach the police, if there is any further cause of action. All the contentions raised by the 3rd respondent are left open.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M. SHAFFIQUE
JUDGE**