

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C) .No. 8424 of 2015 (C)

PETITIONER(S) :

K.MOHANA KUMAR,
S/O.KRISHINAN, S.K.BHAVAN,
PP XX/560, KOTTAMOM (PARASUVAIKKAL) P.O.,
PARASSALA.

BY ADV. SMT.INDU SUSAN JACOB

RESPONDENT(S) :

1. CIRCLE INSPECTOR,
NEYYATTINKARA, PIN-695 121.
2. SUB INSPECTOR,
MARAYAMUTTOM, PIN-695 124.
3. SABU, S/O.VELAYUDHAN,
CHITTATTINKARA HOUSE,
MARAYAMUTTOM DESOM,
PERUNKADAVILA VILLAGE, PIN-695 124.
4. IVORY @ AMALRAJ,
S/O.AMALADASAN, MINI HOUSE,
VADAKARA DESOM, PERUNKADAVILA VILLAGE,
PIN-695 124.
5. ANILKUMAR,
S/O.JOHN, POTTALVILA HOUSE,
MALAKULANGARA, MARYAMUTTOM DESOM,
PERUNKADAVILA VILLAGE, PIN-695 124.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER's EXHIBITS:

EXHIBIT P1: COPY OF LICENSE DATED 15.11.2014 ISSUED BY KUNNATHUKAL PANCHAYAT.

EXHIBIT P1(a): COPY OF ENGLISH TRANSLATION OF EXHIBIT P1.

EXHIBIT P2: COPY OF CONSENT DATED 21.8.2012 ALID TILL 31.5.2015 ISSUED BY THE KERALA POLLUTION CONTROL BOARD.

EXHIBIT P3: COPY OF CERTIFICATE OF REGISTRATION U[NDER KERALA VALUE ADDED TAX RULES, 2005.

EXHIBIT P4: COPY OF CERTIFICATE PERMITTING PETITIONER TO PAY TAX UNDER COMPOUNDING SCHEME.

EXHIBIT P5: COPY OF CERTIFICATE ISSUED BY DISTRICT INDUSTRIES CENTRE, THIRUVANANTHAPURAM.

EXHIBIT P5(a): COPY OF ENGLISH TRANSLATION OF EXHIBIT P5.

EXHIBIT P6: COPY OF JUDGMENT DATED 8.11.2012 IN WP(C).NO.19808 OF 2012.

EXHIBIT P7: COPY OF COMPLAINT DATED 4.3.2015 FILED BEFORE THE FIRST RESPONDENT.

EXHIBIT P7(a): COPY OF TRANSLATION OF EXHIBIT P7.

EXHIBIT P8: COPY OF RECEIPT ACKNOWLEDGING THE RECEIPT OF THE COMPLAINT.

EXHIBIT P8(a): COPY OF TRANSLATION OF EXHIBIT P8.

EXHIBIT P9: COPY OF COMPLAINT DATED 4.3.2015 FILED BEFORE THE SECOND RESPONDENT.

EXHIBIT P9(a): COPY OF TRANSLATION OF EXHIBIT P9.

EXHIBIT P10: COPY OF RECEIPT ACKNOWLEDGING THE RECEIPT OF THE COMPLAINT ISSUED BY 2ND RESPONDENT.

EXHIBIT P10(a): COPY OF TRANSLATION OF EXHIBIT P10.

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No.8424 of 2015

Dated this the 27th March, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 3 to 5, in view of the order, which is being passed.

2. The petitioner by this Writ Petition has prayed for a mandamus directing respondents 1 and 2 to afford adequate and effective police protection to the petitioner, staff and workers of the petitioner for the smooth functioning and ingress and egress of all workers and vehicles of the petitioner's establishment. The petitioner's case in the Writ Petition is that he is running a crushing unit. According to the petitioner, respondents 3 to 5 were the persons who had been taking metal from the petitioner's establishment, but they were not ready to pay the enhanced price of metal, hence they caused obstructions.

3. When the Writ Petition came up for admission on 17.3.2015, we directed the learned Government Pleader to

obtain instruction. The learned Government Pleader, after obtaining instruction, submitted that respondents 3 to 5 were called to the Police Station and they have been warned. He further submitted that the Police are keeping a vigil on the activities and patrolling is also provided. He also submitted that metal are being loaded and transported.

4. In view of the submission made by the learned Government Pleader, we find that no further directions are needed. However, we observe that in the event there is any obstruction by the private respondents, it shall be open for the petitioner to bring the same to the notice of the police authorities, who may take appropriate action.

With the above observation, the Writ Petition is disposed of.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs27/3/15