

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

WP(C) .No. 11274 of 2013 (H)

PETITIONER(S) :

M/S.SANDROCK AGGREGATES
REGISTERED OFFICE AT VI/492-A, EDATHALA BUILDINGS
KALADY, ERNAKULAM, REPRESENTED BY MANAGING PARTNER
JOEMON JOSEPH.

BY ADV.SMT.K.S.SUMITHA

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE CIRCLE INSPECTOR OF POLICE
ANGAMALY POLICE CIRCLE, ERNAKULAM-682 018.
3. P.P.PHILIP, AGED 42 YEARS
S/O. PAULO, PARAMBI HOUSE, MAMBRA P.O.
NEAR SENAI CHURCH, KORATTY, THRISSUR DISTRICT-680 308.

R3 BY ADV. SRI.K.ABDUL JAWAD
R3 BY ADV. SRI.MATHEW A KUZHALANADAN
R3 BY ADV. SMT.N.M.SHEENA DAS
R1,R2 BY Sr.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 : COPY OF THE REGISTRATION CERTIFICATE ISSUED BY THE REGISTRAR OF FIRMS.

EXT.P2 : COPY OF THE LEASE DEED ENTERED INTO BETWEEN PETITIONER FIRM AND THE GOVERNMENT OF KERALA.

EXT.P3 : COPY OF THE STATUTORY LICENSES FROM THE SALES TAX DEPARTMENT.

EXT.P4 : COPY OF THE STATUTORY LICENSES FROM THE DISTRICT INDUSTRIES CENTRE.

EXT.P5 : COPY OF THE STATUTORY LICENSES FROM THE LOCAL PANCHAYAT.

EXT.P6 : COPY OF THE STATUTORY LICENSES FROM THE POLLUTION CONTROL BOARD.

EXT.P7 : COPY OF THE PERMITS UNDER THE EXPLOSIVES RULES, 2008 TO KEEP THE EXPLOSIVES.

EXT.P8 : COPY OF THE HOLDER OF SHOT FIRER'S PERMIT TO CONDUCT BLASTING OPERATIONS USING EXPLOSIVES.

EXT.P9 : COPY OF THE WRITTEN COMPLAINT SUBMITTED TO THE 3RD RESPONDENT.

EXT.P10: COPY OF THE ACKNOWLEDGMENT ISSUED FOR THE 3RD RESPONDENT.

EXT.P11: COPY OF THE COMPLAINT SUBMITTED BY THE PANCHAYATH.

EXT.P12: COPY OF THE RELEVANT PAGE OF ROADS REGISTER OBTAINED BY THE PETITIONER UNDER RIGHT TO INFORMATION ACT.

EXT.P13: COPY OF THE REQUEST SUBMITTED BY THE LOCAL PANCHAYAT SECRETARY TO THE 2ND RESPONDENT OBTAINED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

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

W.P.(C)No.11274 of 2013

Dated this the 25th day of November, 2015.

J U D G M E N T

SHAFFIQUE, J.

This writ petition has been filed by the petitioner seeking police protection alleging obstruction being caused by the 3rd respondent and his men. According to the petitioner, he is in possession of all valid license/permission from the competent authorities for carrying on the functioning of the Unit. It is stated that though the 3rd respondent had preferred an appeal before the Appellate Authority under the Air (Prevention and Control of Pollution) Act, 1981 and the consent given in favour of the petitioner has been stayed, the petitioner had preferred an appeal before the National Green Tribunal, which had stayed the entire matter and the petitioner is entitled to operate the Unit.

2. The learned counsel appearing for the 3rd respondent submits that the Pollution Control Board has filed a statement before the competent authority stating that the Unit is not functioning for the last two years .

3. Be that as it may, the petitioner can operate the Unit if he has valid license/permission from the competent authorities. As far as the 3rd respondent is concerned, he is entitled to challenge any license/permission granted in favour of the petitioner by initiating appropriate proceedings. However, no person can take law into their own hands and physically prevent the functioning of the Unit if the Unit is functioning legally.

4. Under such circumstances, if any obstruction is caused by the 1st respondent or his men and the petitioner is operating the Unit holding valid license/permission, the police shall look into the matter and ensure maintenance of law and order situation. Hence we close this writ petition with the above observation. However, this order will be

subject to any further orders that might be passed by the competent authorities in this regard.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge