

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 13766 of 2013 (U)

PETITIONER(S):

1. JOSEPH D FERNANDEZ
S/O.DAVID, MANAGING DIRECTOR
ST.JOSEPH INTERNATIONAL ACADEMY KUMBALAM
KOLLAM-691503.
2. JOHNSON K.
JOBIN SADANAM, KANJIRACODE, KUNDARA
KOLLAM-691501.

BY ADVS.SRI.P.RADHAKRISHNAN (1)
SRI.MADHU RADHAKRISHNAN
SRI.NELSON JOSEPH
SRI.M.D.JOSEPH

RESPONDENT(S):

1. SUB INSPECTOR OF POLICE
KUNDARA, KOLLAM.
2. LALITHAMBIKA
W/O.JAMES, RESIDING AT HOUSE NO.62, WARD NO.6
RAJEEV BHAVANAM, KUMBALAM P.O., PERAYAM CHERI
MULAVANA VILLAGE, KOLLAM.

R2 BY ADV.SRI.R.NIKHIL
R2 BY ADV.SRI.P.ABDUL RAZAK
R1 BY SR. GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 13766 of 2013 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE QUARRYING PERMIT ISSUED BY THE SENIOR GEOLOGIST.

EXHIBIT-P2: TRUE COPY OF THE REPORT DATED 14.3.2013 OF THE VILLAGE OFFICER
ALONG WITH MAHASSAR AND SKETCH FORWARDED TO THE RDO.

EXHIBIT-P3: TRUE COPY OF THE JUDGMENT DATED 22.3.2013 IN W.P.(C) 8207/2013.

EXHIBIT-P4: TRUE COPY OF THE ORDER DATED 4.5.2013 BEARING NO.B/3247/2013 ALONG
WITH NO OBJECTION CERTIFICATE ISSUED BY THE REVENUE DIVISIONAL OFFICER.

EXHIBIT-P5: TRUE COPY OF THE INJUNCTION ORDER DATED 10.4.2013 IN I.A.1308/2013 IN
O.S.291/2013.

EXHIBIT-P6: TRUE COPY OF THE COMMISSION REPORT IN O.S.286/2013.

EXHIBIT-P7: TRUE COPY OF THE COMMISSION REPORT IN O.S.291/2013.

EXHIBIT-P8: TRUE COPY OF THE COMPLAINT DATED 18.5.2013 FILED BY THE 1ST
PETITIONER BEFORE THE 1ST RESPONDENT.

EXHIBIT-P9: TRUE COPY OF THE RECEIPT OF EXT P8 COMPLAINT.

EXHIBIT-P10: TRUE COPY OF THE COMPLAINT DATED 25.5.2013 FILED BEFORE THE 1ST
RESPONDENT.

RESPONDENT(S)' EXHIBITS

EXHIBIT R2(A) - TRUE COPY OF THE JUDGMENT DATED 11.3.2009 IN WP(C) .7385 OF 2009.

EXHIBIT R2(B) - TRUE COPY OF THE ORDER DATED 12.6.2013 IN WP(C).14853 of 2013.

// TRUE COPY //

P.A. TO JUDGE

Sou.

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

W.P(C). No. 13766 of 2013

Dated this the 20th day of October, 2015

JUDGMENT

Shaffique, J

This writ petition has been filed seeking police protection for carrying on quarrying activity.

2. Learned counsel for the respondent would submit that the permit granted by the State has already been stayed by this Court, which is still in force. The stay order is produced as Exhibit R2(b).

3. Having regard to the aforesaid fact situation we do not think that a direction as prayed for can be granted in this writ petition. The Writ Petition is dismissed with liberty to the petitioner to approach the police as and when cause of action arises.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE

sou.

// True copy //

P.A. To Judge