

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 11206 of 2015 (A)

PETITIONER:

**BASHEERKUTTY, AGED 52 YEARS, S/O.SHAHULHAMEED KUNJU,
BASHEER MANZIL, PALLISSERICAL MURI, SASTHAMCOTTA VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.**

**BY ADVS.SRI.K.V.ANIL KUMAR
SRI.P.V.DILEEP**

RESPONDENTS:

- 1. THE DISTRICT POLICE CHIEF (RURAL)
KOTTARAKKARA, KOLLAM DISTRICT 691 521.**
- 2. THE CIRCLE INSPECTOR OF POLICE, SASTHAMCOTTA P.O.,
KOLLAM DISTRICT 690 521**
- 3. THE SUB INSPECTOR OF POLICE, SASTHAMCOTTA POLICE STATION,
SOORANAD P.O., KOLLAM DISTRICT 690 521**
- 4. THE SECRETARY, SASTHAMCOTTA GRAMA PANCHAYATH,
SASTHAMCOTTA P.O., KOLLAM DISTRICT PIN 690 521.**
- 5. UNNIKRISHNA PILLAI, AGED 45 YEARS, S/O. CHANDRASHEKARAN PILLAI,
JYOTHISH BHAVANAM, PALLISSERICAL MURI,
SASTHAMCOTTA VILLAGE, KOLLAM DISTRICT 690 521.**
- 6. SOMARAJAN PILLAI, AGED 53 YEARS, SOSH BHAVANAM,
SASTHAMCOTTA VILLAGE, KOLLAM DISTRICT 690 521.**
- 7. BALACHANDRAN PILLAI, AGED 52 YEARS,
SATHEESH BHAVANAM, PALLISSERICAL MURI,
SASTHAMCOTTA VILLAGE, KOLLAM DISTRICT 690 521.**

8. SATHEESH KUMAR, AGED 30 YEARS,
S/O. BALACHANDRAN PILLAI,
SATHEESH BHAVANAM PALLISSERICAL MURI,
SASTHAMCOTTA VILLAGE, KOLLAM DISTRICT 690 521.
9. SAJI THOMAS, AGED 40 YEARS, SAJI BHAVANAM,
PALLISSERICAL MURI, SASTHAMCOTTA VILLAGE, KOLLAM DISTRICT 690 521.
10. ANEESH, AGED 35 YEARS, PUTHEN VILAYIL,
PALLISSERICAL MURI, SASTHAMCOTTA VILLAGE, KOLLAM DISTRICT 690 521.
11. SHAMEER, AGED 30 YEARS, PUTHENVILA VADAKKATHIL,
PALLISSERICAL MURI, SASTHAMCOTTA VILLAGE, KOLLAM DISTRICT 690 521.
12. SUDHEER, AGED 45 YEARS, SUDHEENA MANZIL,
PALLISSERICAL MURI, SASTHAMCOTTA VILLAGE, KOLLAM DISTRICT 690 521.
13. KRISHNA KUMAR, AGED 42 YEARS, INCHAKKATTU PUTHEN VEEDU,
(KUTTEELU VILAYIL) PALLISSERICAL MURI,
SASTHAMCOTTA VILLAGE, KOLLAM DISTRICT 690 521.

R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE POLLUTION CERTIFICATE ISSUED TO THE PETITIONER FOR RUNNING THE POULTRY FARM FROM THE KERALA STATE POLLUTION CONTROL BOARD DISTRICT OFFICE.**
- EXHIBIT P2 : TRUE COPY OF THE NO-OBJECTION CERTIFICATE DATED 02.08.2014 ISSUED BY THE DISTRICT MEDICAL OFFICER TO THE PETITIONER AND ITS ENGLISH TRANSLATION.**
- EXHIBIT P3 : TRUE COPY OF THE LICENSE ISSUED BY THE 4TH RESPONDENT AND ITS ENGLISH TRANSLATION**
- EXHIBIT P4 : TRUE COPY OF THE APPLICATION DATED 05.03.2015 FOR RENEWAL OF EXHIBIT P3 LICENSE ALONG WITH ENGLISH TRANSLATION**
- EXHIBIT P5 : TRUE COPY OF THE APPLICATION DATED 17.02.2015 FOR REGULARIZATION OF THE PETITIONERS NEWLY CONSTRUCTED SHED**
- EXHIBIT P6 : COPY OF THE INTERIM ORDER OF STATUS QUO DATED 01.04.2015 IN W.P.(C) NO.8132/2015**
- EXHIBIT P7 : TRUE COPIES OF THE PHOTOGRAPHS SHOWING THE DAMAGES TO THE PETITIONERS POULTRY FARM**
- EXHIBIT P8 : TRUE COPY OF THE COMPLAINTS PREFERRED TO THE 1ST AND 2ND RESPONDENTS AND ITS ENGLISH TRANSLATION.**

RESPONDENT'S EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

JJJ

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

W.P. (C) No. 11206 of 2015 (A)

Dated this the 9th day of April, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the learned counsel for the petitioner and the learned Government Pleader as well. No notice is being issued to respondents 5 to 13 in view of the order which is being passed.

2. The petitioner, by this Writ Petition, has prayed for a direction to respondent 1 to 3 to provide adequate police protection to the life of the petitioner and his poultry farm. The petitioner's case in the Writ petition is that he has all the requisite licenses for running the poultry farm, for which obstructions are being created by respondents 5 to 13. The petitioner had also filed a complaint before the police authorities, with regard to which Crime No.530/2015

has been registered. The petitioner's license was valid up to 31.03.2015. The petitioner filed W.P.(C) No.8132/2015, in which an interim order was granted on 25.03.2015 for maintaining status quo which was extended on 1st April, 2015; by virtue of which the petitioner is running the poultry farm.

3. The learned Government Pleader further submits that the Police has, after registering the crime, looked into the matter and had also warned the party respondents and no further incident has been reported to the Police.

4. In view of the fact that a crime has already been registered, and appropriate measures are being taken by the police authorities, we see no reason to issue any direction as prayed for. If any offence or attempt to offence is committed, it shall be open for the petitioner to file an appropriate complaint before the police, who shall look into the matter and do the needful.

The Writ petition is disposed of with the above observation.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

jjj