

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 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).No. 11976 of 2015 (V)

PETITIONER(S):

SAFA WELDING ELECTRODES AGED 61 YEARS
SAFA TOWER, EDAKKARA.P.O, CHELANUR (VIA)
THALAACKULATHOOR VILLAGE, KOZHIKODE-673 616
REPRESENTED BY ITS PARTNER, V.C.KUNHAYINKUTTY
S/O.PARIAIKUTTY, AGED 61 YEARS, VADAKKECHALIL HOUSE
P.O. EDAKKARA, KOZHIKODE.

BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN

RESPONDENT(S):

1. THE SUB INSPECTOR OF POLICE
ATHOLI POLICE STATION, KOZHIKODE DISTRICT-673 315

2. THE CIRCLE INSPECTOR OF POLICE
KOYILANDI CIRCLE, KOYILANDI POLICE STATION
KOZHIKODE DISTRICT.

3. THE DISTRICT POLICE CHIEF-KOZHIKODE RURAL,
OFFICE OF THE DISTRICT POLICE CHIEF, VADAKARA
KOZHIKODE DISTRICT-673 101.

4. CHANDRAN MASTER,
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER
THARAYIL, EDAKARA.P.O, CHELANNUR
SAFA WELDING ELECTRODES MANUFACTURING UNIT
BAN ACTION COMMITTEE
EDAKARA (KOCHAMVALLITHAZHAM), CHELANNUR
KOZHIKODE-673 616.

5. DINESAN,
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER
VATTAMPARAMBATH, EDAKKARA, CHELANNUR
SAFA WELDING ELECTRODES MANUFACUTRING UNIT
BAN ACTION COMMITTEE
EDAKARA (KOCHAMVALLITHAZHAM), CHELANNUR
KOZHIKODE-673 616

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6. RAMACHANDRAN
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER
KUTTIKATTUVAYAL, EDAKKARA, CHELANNUR
SAFA WELDING ELECTRODES MANUFACTURING UNIT
BAN ACTION COMMITTEE
EDAKARA (KOCHAMVALLITHAZHAM), CHELANNUR
KOZHIKODE-673 616.

7. SARJAS,
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER
FAJARAS MANZIL, EDAKKARA, CHELANNUR
SAFA WELDING ELECTRODES MANUFACTURING UNIT
BAN ACTION COMMITTEE
EDAKARA (KOCHAMVALLITHAZHAM), CHELANNUR
KOZHIKODE-673 616.

8. VENU,
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER
MUNDAYIL HOUSE, VIA NENMANDA, KOZHIKODE DISTRICT.

Addl.9. THE THALAKULATHUR GRAMA PANCHAYATH
THALAKULATHUR
REPRESENTED BY ITS SECRETARY (SPECIAL GRADE)
KOZHIKODE DISTRICT - 673009.

(ADDL.R9 IS IMPEADED AS PER ORDER DATED 29.04.2015)

R9 BY ADV. SRI.JACOB ABRAHAM
R4-R8 BY ADV. SRI.P.S.SREEDHARAN PILLAI
R4-R8 BY ADV. SRI.T.K.SANDEEP
R4-R8 BY ADV. SRI.ARJUN SREEDHAR
R4-R8 BY ADV. SRI.JOSEPH GEORGE (MULLAKKARIYIL)
R4-R8 BY ADV. SRI.ARUN KRISHNA DHAN
R1-3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 11976 of 2015 (V)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: A TRUE COPY OF THE CONSENT TO ESTABLISH
NO.PCB/KKD/DO/ICE/2383/2012 DATED 30.7.2013 ISSUED BY THE POLLUTION
CONTROL BOARD TO THE PETITIONER

EXHIBIT P2: A TRUE COPY OF THE PERMISSION ORDER NO.A66931/12 DATED
18.12.2012 ISSUED BY THE SECRETARY OF THE PANCHAYAT AND ITS ENGLISH
TRANSLATION

EXHIBIT P.3: A TRUE COPY OF REGISTRATION CERTIFICATE UNDER THE KERALA
VALUE ADDED TAX FROM THE COMMERCIAL TAX OFFICER, IVTH
CIRCLE,KOZHIKODE (WITHOUT ANNEXURES)

EXHIBIT P.4 : A TRUE COPY OF THE REQUEST DATED 13.3.2015 SUBMITTED BY
THE PETITIONERS THROUGH ITS MANAGING PARTNER BEFORE THE 1ST
RESPONDENT

EXHIBIT P4(A): A TRUE COPY OF THE REQUEST DATED 13.3.2015 SUBMITTED
BY THE PETITIONER THROUGH ITS MANAGING PARTNER BEFORE THE 2ND
RESPONDENT.

EXHIBIT P4(B): TRUE COPY OF THE RECEIPT ISSUED IN RESPECT OF (EXT.P4
(A) PETITION NO.41728/2015 DATED 18.3.2015 FROM THE KOYILANDY CIRCLE
OFFICE OF THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS

EXHIBIT R8(a): COPY OF DECISION NO.317/14 IN PANCHAYATH MEETING HELD
ON 1.12.2014.

EXHIBIT R8(b): ENGLISH TRANSLATION OF EXHIBIT R8(a).

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No. 11976 of 2015

Dated this the 2nd July, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking Police protection. It is alleged that the private respondents are obstructing the petitioner from establishing the unit in question, despite the fact that the petitioner was having valid permission for the same.

2. It is submitted by the learned counsel for Panchayat and the private respondents that after granting permission to establish the unit, the same has been withdrawn by a resolution passed by the Panchayat.

3. Having regard to the aforesaid factual situation, we do not think that this Court will be justified in issuing an order of Police protection. It shall always be open for the

petitioner to challenge the order/resolution revoking the permission granted in favour of the petitioner.

With the above observation, the Writ Petition is dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs2/7/15