

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 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No.13128 of 2015 (M)

PETITIONER:

**MUTTATHU MANOJKUMAR,AGED 38 YEARS,
S/O.AMBU THELEPARATH,MANIYATTU (H),
PELIKODE (PO),KASARGOD DISTRICT.**

**BY ADVS.SRI.S.SHAJAHAN (ADOOR)
SRI.P.V.JEEVESH**

RESPONDENT'S:

- 1. SUPERINTENDENT OF POLICE,
KASARGODE,KASARGODE DISTRICT-671 121.**
- 2. STATION HOUSE OFFICER,
CHEEMMENI POLICE STATION,
CHEEMMENI PO,KASARGODE DISTRICT-671 313.**
- 3. RATHESH,S/O.GOVINDAN,AGED 27 YEARS,
CHERLAM MUZHAKKOM PO,
KASARGODE DISTRICT,PIN-671 313.**
- 4. HARIDAS,S/O.RAGHAVAN,KAINIMULA MUZHAKKOM PO,
KASARGODE DISTRICT,PIN-671 313.**
- 5. MAHESH,S/O.KUNHIRAMAN,AGED 30 YEARS,
PAYYANGI MUZHAKKOM PO,
KASARGODE DISTRICT,PIN-671 313.**

**R1 & R2 BY SENIOR GOVT. PLEADER SRI.C.R.SYAMKUMAR.
R3 TO R5 BY ADV.SRI.T.K.VIPINDAS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

**EXT P1:TRUE COPY OF THE BUILDING PERMIT DATED 24-11-2014 ISSUED BY
THE SECRETARY CHEEMENI GRAMA PANCHAYATHU.**

EXT P2:TRUE COPY OF THE SAID GO (P) NO.12/2014/ID DATED 15-11-2014.

**EXT P3:TRUE COPY OF THE PERMISSION REQUEST ISSUED BY THE VILLAGE
OFFICER, KLAIKODE.**

**EXT P4:TRUE COPY OF THE PETITION DATED 1-4-2015 FILED BEFORE THE SUB
INSPECTOR OF POLICE,CHEEMMENI.**

**EXT P5:COPY OF THE PETITION FILED BEFORE THE SUPERINTENDENT OF
POLICE WITH COPY TO DEPUTY SUPERINTENDENT OF POLICE AND 2ND
RESPONDENT ON 5-4-2015.**

RESPONDENT'S EXHIBITS:

**EXT.R4(a):TRUE COPY OF THE PHOTOGRAPHS SHOWING ILLEGAL EXTRACTION
AND MINING OF ORDINARY EARTH FROM PETITIONER'S PROPERTY.**

**EXT.R4(b):TRUE COPY OF THE COMPLAINT FILED BY THE LOCALITIES BEFORE
THE SUB COLLECTOR DATED 19.1.2015.**

**EXT.R4(c):TRUE COPY OF THE COMPLAINT FILED BY THE LOCALITES BEFORE
THE SUB COLLECTOR BY SERVING A COPY TO TAHSILDAR,
HOSDURG, DISTRICT COLLECTOR,KASARAGOD,VILLAGE
OFFICER,KLAIKODE VILLAGE,SECRETARY,KAYYUR CHEEMENI
GRAMA PANCHAYATH,SHO CHEEMENI.**

//TRUE COPY//

P.S. TO JUDGE

pk

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

*** * * * ***

W.P.C.No.13128 of 2015

Dated this the 23rd day of June 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking police protection inter alia contending that respondents 3 to 5 are obstructing the removal of earth from his property in Sy.No.90/9 of Klaikode village. It is submitted that the petitioner has obtained Ext.P1 building permit dated 24/11/2014 from the local authority. Since the land is lying in a higher level, petitioner will have to remove the ordinary earth from the area having an extent of 10 cents. According to the petitioner, he does not require any environmental clearance for removal of earth since he is constructing a residential building.

2. The learned Government Pleader, on instructions, would submit that the petitioner has not obtained any

transportation permit in Form 'O' as per Kerala Minor Mineral Concession Rules, 2015.

3. Counter affidavit has been filed by the 4th respondent inter alia stating that the whole intention of the petitioner is to carry on mining operation. He has also produced Ext.R4(a) photographs which apparently indicates large scale mining operations being carried out in the area.

Having regard to the factual situation that has arisen in this case, we do not think that the petitioner is entitled for an order of police protection. Accordingly, this writ petition is dismissed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

