

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&**

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

WP(C). No.18226 of 2012 (C)

PETITIONER(S):

**T.N.SOMAN, AGED 54 YEARS,
S/O.NEELAKANDA PILLAI, THEKKADATH HOUSE, ODUVALLY,
CHAPPARAPPADAVU P.O, KANNUR DISTRICT, PIN 670 581.**

**BY ADVS.SRI.P.C.SASIDHARAN
SRI.V.C.JAMES
SRI.SEBASTIAN JOSEPH (KURISUMMOOTIL)**

RESPONDENT(S):

- 1. THE DEPUTY SUPERINTENDENT OF POLICE, TALIPARAMBA,
TALIPARAMBA P.O, KANNUR DISTRICT, PIN-674 002.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
ALAKKODE P.O, KANNUR DISTRICT. PIN -679 021.**
- 3. THE SUB INSPECTOR OF POLICE,B
ALAKKODE P.O, KANNUR DISTRICT, PIN-643 021.**
- 4. THE GEOLOGIST, CIVIL STATION, KANNUR -674 002.**
- 5. TONY MATHEW, S/O.MATHEW,
PINAKKATTU HOUSE, NELLIPARA P.O.,
PARAPPA, KANNUR DISTRICT, PIN-670 571.**
- 6. CIJU KANDATHINKARA,
THAZHATHANGADI, VAYATTUPARAMBA P.O.,
KANNUR DISTRICT, PIN-670 582.**
- 7. SHAHUL, PUTHENPARAMBIL, VAYATTUPARAMA P.O.,
THAZHATHANGADY, PIN-670 582.**
- 8. SHAMSAD, S/O.SHAHUL, PUTHENPARAMBIL, VAYATTUPARAMA P.O.,
THAZHATHANGADY, PIN-670 502.**

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R5 TO R8 BY ADV. SRI.KALEESWARAM RAJ

R1 TO R4 BY SENIOR GOVERNMENT PLEADER SRI.P.I.DAVIS

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S) EXHIBITS:

- EXHIBIT P1. THE TRUE COPY OF THE PERMIT ISSUED BY THE GEOLOGIST DATED 6.12.2010.**
- EXHIBIT P2. THE TRUE COPY OF THE PERMIT ISSUED BY THE GEOLOGIST VALID UPTO 6.12.2011.**
- EXHIBIT P3. TRUE COPY O THE NOC ISSUED ON 8.2.2011 BY THE EXECUTIVE ENGINEER PWD, ROADS DIVISION, KANNUR.**
- EXHIBIT P4. THE PHOTOCOPY OF THE NOC IN FAVOUR OF THE PETITIONER AND FORWARDED THE SAME TO THE DISTRICT COLLECTOR ON 8.6.2011 ISSUED BY THE DISTRICT POLICE CHIEF.**
- EXHIBIT P5. TRUE COPY OF THE NOC ON 10.1.2011 ISSUED BY THE ASISSTANT DIVISIONAL OFFICER, FIRE AND RESCUE SERVICES ISSUED.**
- EXHIBIT P6. A TRUE COPY OF THE REPORT OF THE SUB COLLECTOR, THALASSERY DATED 22.9.2012.**
- EXHIBIT P7. TRUE COPY OF THE CLARIFICATION BY THE DISTRICT COLLECTOR SOUGHT FOR A FURTHER CLARIFICATION FROM THE TAHSILDAR.**
- EXHIBIT P8. TRUE COPY OF THE REPORT DATED 12.10.2011 OF THE TAHSILDAR, TALIPARAMBA.**
- EXHIBIT P9. TRUE COPY OF THE CONSENT TO OBTAIN TO OPERATE THE QUARRY FROM THE KERALA STATE POLLUTION CONTROL BOARD ON 11.10.2011.**
- EXHIBIT P10. A TRUE COPY OF THE CONSENT VARIATION ORDER DATED 16.12.2011 OF THE KERALA STATE POLLUTION CONTROL BOARD.**
- EXHIBIT P11. TRUE COPY OF THE ORDER NO.2010/55014/13/D4 OF THE ADDL.DISTRICT MAGISTRATE, KANNUR.**
- EXHIBIT P12. TRUE COPY OF THE PERMIT ON 15.5.2012 ISSUED BY THE NADUVIL GRAMA PANCHAYATH.**
- EXHIBIT P13. TRUE COPY OF RECEIPT OF LICENCE FEE AND PROFESSIONAL TAX ON 26.4.2012.**
- EXHIBIT P14. TRUE COPY OF COMPLAINT ON 28.7.2012 FILED BY THE PETITIONER BEFORE THE SUB INSPECTOR OF POLICE, ALAKKODE.**
- EXHIBIT P15. TRUE COPY OF PETITION DATED 16.8.2012 FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.**
- EXHIBIT P16. TRUE COPY OF THE COMPLAINT FILED BY BENSOPN JACOB MEVADA ON 10.8.2012 WRIT PETITION.**

EXHIBIT P17. TRUE COPY OF THE MASS PETITION SUBMITTED TO THE SUB INSPECTOR.

EXHIBIT P18. TRUE COPY OF THE AGREEMENT DATED 19.5.2007.

EXHIBIT P19. TRUE COPY OF THE PHOTOGRAPH SHOWING THE TRUE NATURE OF THE PETITIONER'S PROPERTY.

EXHIBIT P20. TRUE COPY OF THE PERMIT RENEWED WHICH IS VALID UPTO 23.12.2013.

RESPONDENTS' EXHIBITS:-

EXHIBIT R5(A):- TRUE COPY OF THE REPRESENTATION DATED 29.2.2012 FILED BY 5TH RESPONDENT BEFORE THE ADM, KANNUR.

EXHIBIT R5(B):- TRUE COPY OF THE AGREEMENT SIGNED BY THE PETITIONER.

EXHIBIT R5(C):- TRUE COPY OF THE CONSENT LETTER DATED 20.1.2012.

EXHIBIT R5(D):- TRUE COPY OF THE REPORT OF THE TAHSILDAR DATED 1.2.2011.

EXHIBIT R5(E):- TRUE COPY OF THE STATEMENT FILED BY THE PETITIONER BEFORE THE VILLAGE OFFICER ON 11.1.2011.

EXHIBIT R5(F):- TRUE COPY OF THE PURCHASE CERTIFICATE DATD 10.10.1983.

EXHIBIT R5(G):- PHOTOS OF THE AREA WHERE QUARRYING/EXTRACTIONS ARE DONE BY THE PETITIONER.

EXHIBIT R5(H):- TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN THE PETITIONER AND SRIMEVADA BENSON JACOB.

KRJ

//true copy// P.A to Judge

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

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W.P(C) No.18226 of 2012

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Dated this the 11th day of December, 2015

JUDGMENT

Shaffique, J

This writ petition has been filed seeking police protection in the matter relating to functioning of a quarry. It is stated that respondents 5 to 8 and their men were obstructing the functioning of the quarry. Petitioner submits that he had all necessary licence and permission to carry on the activity and though complaint was given to the police, no action was taken by the police to render police protection. Hence, this writ petition has been filed.

2. Counter affidavit has been filed by respondents 5 to 8, *inter alia*, stating that the petitioner had been misusing the quarrying permits and is expanding the activity, despite the grant of permit. When quarrying is permitted only in 17 cents he has expanded the operations and the said activity is causing damages to the nearby residents.

3. Be that as it may, no untoward incident has been reported during the pendency of the present writ petition. Hence, we close the writ petition with liberty to the petitioner to approach the police if there is any further cause of action provided he has all valid licence and permits for carrying on quarrying activity. The contentions raised by respondents 5 to 8 are left open to be decided in appropriate proceedings.

Sd/-

**ASHOK BHUSHAN
CHIEF JUSTICE**

Sd/-

**A.M.SHAFFIQUE
JUDGE**

krj.11/12/15