

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WP(C).No. 15359 of 2014 (T)

PETITIONER(S) :-

ISSAC JACOB, AGED 29 YEARS
S/O. K.E.JACOB, MANAGING DIRECTOR
PAYYOLI GRANITES (P) LTD., THANKAMALA ESTATE
KEEZHARIYUR P.O., KOZHIKODE-673324.

BY ADVS.SMT.SUMATHY DANDAPANI (SR.)
SRI.MILLU DANDAPANI

RESPONDENT(S) :-

1. SUPERINTENDENT OF POLICE, KOZHIKODE-673001.
2. CIRCLE INSPECTOR OF POLICE, QUILANDY, PIN-673305.
3. S.I. OF POLICE, QUILANDY, PIN-673305.
4. SHAMEER, S/O. ABDUL RAHIMAN,
NADAKKAL (H), IRINGATH P.O., PIN-673523.
5. RAMSHI, S/O. MOIDE, CHENIKANDI (H), IRINGATH P.O.
PIN-673523.
6. ISMAYIL, S/O. KUNJABDULLA, NADAKKAL (H),
IRINGATH P.O., PIN-673523.
7. LINESH, S/O. NARAYANAN, PARAKANDI MEETHAL (H)
KEEZHARIYUR P.O., PIN-673307.

R1 - R3 BY SRI.T.ASAF ALI, DGP
BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT P1- TRUE COPY OF THE LICENSE ISSUED TO THE PETITIONER BY THE THURAYOOR GRAMA PANCHAYAT FOR RUNNING THE STONE CRUSHER UNIT ISSUED ON 28-04-2014 ALONG WITH ENGLISH TRANSLATION.

EXHIBIT P2- TRUE COPY OF THE CONSENT ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD TO OPERATE THE CRUSHER UNIT UPTO 30-06-2015.

EXHIBIT P3- TRUE COPY OF THE FIRST PAGE OF THE LICENCE ISSUED ON 01-02-2011 UNDER THE EXPLOSIVE RULES TO THE PETITIONER.

EXHIBIT P4- TRUE COPY OF THE MINE FOREMAN'S CERTIFICATE OF COMPETENCY ISSUED UNDER THE METALLIC MINE FEDERATION WHICH IS VALID TILL 25-06-2014 UNDE THE MINES ACT, 1932.

EXHIBIT P5- TRUE COPY OF THE ORDER DAED 22-11-2013 FROM THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY OF KERALA.

EXHIBIT P6- TRUE COPY OF THE CONSENT NO. PCB/KKD/DO/ICO-R1/1605/2011 TO OPERATE-RENEWAL DATED 12-05-2014 ISSUED TO THE PETITIONER BY THE KERALA STATE POLLUTION CONTROL BOARD.

EXHIBIT P7- TRUE COPY OF THE LICENCE NO. 33/2014-15 DATED 01-04-2014 ISSUED TO THE PETITIONER BY THE SECRETARY, KEEZHARIYUR GRAMA PANCHAYATH ALONG WITH ENGLISH TRANSLATION.

EXHIBIT P8- TRUE COPY OF THE REPRESENTATION DATED 11-6-2014 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.

EXHIBIT P8(a)- TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P8 DT 11-6-14.

EXHIBIT P9- TRUE COPY OF THE REPRESENTATION DATED 13-06-2014 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT ALONG WITH THE ENGLISH TRANSLATION OF THE RECEIPT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

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Dated this the 12th day of January, 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ.

Heard the learned counsel for the petitioner and the learned Senior Government Pleader.

2. Though notices were issued to respondent Nos.4 to 7, no one entered appearance when the case is called today. By this writ petition, the petitioner has prayed for a direction to respondent Nos.1 to 3 to afford necessary police protection to the petitioner's unit from respondent Nos.4 to 7. Petitioner's case is that all necessary permissions including Environmental Clearance from the State Environment Impact Assessment Authority Kerala is in favour of the petitioner. This Court has already passed an interim order on 17.6.2014.

3. Learned Government Pleader submits that protection was afforded to the petitioner in view of the interim order passed in the writ petition. Since the petitioner has got all necessary permissions, we are of the view that respondent Nos.2 and 3 may ensure that no obstruction is created by

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-: 2 :-

respondent Nos.4 to 7.

With this direction, this Writ Petition is closed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

Jvt