

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 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 15233 of 2015 (D)

PETITIONER(S):

**M.K.N.ROCKS (A UNIT OF GOOD LINE REALTORS (P) LTD),
VALLIYAVAYAL, VATTAKARIKKAKOM P.O., CHAKKAMALA,
KOLLAM, REPRESENTED BY ITS MANAGING DIRECTOR,
MR.M.K.NASSARUDEEN MUSLIAR.**

**BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.RONY JOSE**

RESPONDENT(S):

- 1. DISTRICT SUPERINTENDENT OF POLICE,
KOTTARAKKARA, KOLLAM - 691 001.**
- 2. CIRCLE INSPECTOR OF POLICE,
KADAKKAL, KOLLAM- 691 312.**
- 3. SUB INSPECTOR OF POLICE,
KADAKKAL POLICE STATION, KOLLAM - 691 312.**
- 4. NASEER,
S/O.MUSTHAF, VALIYA VAYAL, VATTAKARIKKAKOM
THIRUVANATHAPURAM - 695 562.**
- 5. ABDUL RASHEED
S/O.ABDUL MUTHALIF, SAFEEDA MANZIL, VALIYA VAYAL,
VATTAKARIKKAKOM P.O., THIRUVANATHAPURAM - 695 562.**
- 6. SHIJUDHEEN,
S/O.ABDUL KHAREEM, CHALIL VEEDU, VALIYA VAYAL
VATTAKARIKKAKOM P.O., THIRUVANANTHAPURAM - 695 562.**
- 7. LENIN @ KUTTAN,
S/O.VIJAYAN, LEJIN VILASAM, VALIYA VAYAL
VATTAKARIKKAKOM P.O., THIRUVANANTHAPURAM - 695 562.**

PJ

....2/-

WP(C).No. 15233 of 2015 (D)

8. PRASANTH

S/O.UNNI PILLAI, PRAJI VILASAM, VALIYA VAYAL
VATTAKARIKKAKOM P.O., THIRUVANANTHAPURAM - 695 562.

9. AKHIL, S/O.PANKAJAKSHAN,

VALIYA VAYAL, VATTAKARIKKAKOM P.O.
THIRUVANANTHAPURAM - 695 562.

10. HARSHAN THAMPI,

S/O.BHUVANACHANDRAN NAIR, VALIYA VAYAL
VATTAKARIKKAKOM P.O., THIRUVANANTHAPURAM - 695 562.

11. AKHIL

S/O.AJIKUMAR, VALIYA VAYAL, VATTAKARIKKAKOM P.O.
THIRUVANANTHAPURAM - 695 562.

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

R4-R11 BY ADVS. SRI.P.CHANDRASEKHAR

SRI.S.PRASANTH

SMT.PM.MAZNA MANSOOR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE CONSENT ISSUED BY THE POLLUTION CONTROL BOARD VALID TILL 11/3/2015 FOR OPERATING A CRUSHER UNIT
- P1(A): TRUE COPY OF THE ORDER NO.PCB/RO/KLM/ICE/1/2013 DATED 4/5/2015 ISSUED BY THE POLLUTION CONTROL BOARD
- P2: TRUE COPY OF THE ORDER NO.A3-5275/13 DATED 24/3/2014 ISSUED BY THE PANCHAYAT SECRETARY OF CHITHARA GRAMA PANCHAYAT
- P2(A): TRUE ENGLISH TRANSLATION OF EXT.P2
- P3: TRUE COPY OF THE JUDGMENT DATED 11/2/2015 IN WPC NO.27401/2014.
- P4: TRUE COPY OF HTE COMPLAINT DTD. 21/4/2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT
- P4(A): TRUE ENGLISH TRANSLATION OF EXT.P4
- P4(B): TRUE COPY OF THE RECEIPT DATED 24/4/2015 ISSUED BY THE 3RD RESPONDENT
- P5: TRUE COPY OF THE QUARRYING PERMIT DATED 25/4/14 TILL 24/4/15 ISSUED BY THE GEOLOGIST DEPARTMENT OF MINING AND GEOLOGY
- P6: TRUE COPY OF THE PANCHAYAT LICENSE DATED 28/5/14 ISSUED BY SECRETARY CHITHARA GRAMA PANCHAYAT
- P6(A): ENGLISH TRANSLATION OF EXT.P6
- P7: TRUE COPY OF THE ORDER DATED 29/1/13 IN APPEAL NO.827/13 OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS
- P8: TRUE COPY OF THE DEVELOPMENT PERMIT DATED 6///15 ISSUED BY THE PANCHAYAT
- P8(A): TRUE ENGLISH TRANSLATION OF EXT.P8
- P9: TRUE COPY OF THE BUILDING PERMIT DATED 23/7/13 ISSUED BY THE PANCHAYAT
- P10: TRUE COPY OF THE ORDER NO.C3/3963/13/D.DIS DATED 17/6/13 ISSUED BY THE TOWN PLANNER
- P10(A): TRUE ENGLISH TRANSLATION OF EXT.P10

PJ

WP(C).No. 15233 of 2015 (D)

**P11: TRUE COPY OF THE CERTIFICATE DTD.5/8/15 ISSUED BY THE CHITHARA
GRAMA PANCHAYAT**

P11(A): TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P11.

RESPONDENT(S)' EXHIBITS

R4(A): PHOTOGRAPHS OF THE SITE OF THE WRIT PETITIONER.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

=====

W.P. (C) No. 15233 of 2015

=====

Dated this, the 13th day of August, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking police protection for construction of a metal crusher unit. It is alleged that respondents 4 to 11 are obstructing the establishment of the unit by the petitioner. Petitioner submits that he has all necessary licence and permission from the competent authorities. Petitioner has produced the building permit and consent to establish issued by the Pollution Control Board. When obstruction was caused by the private respondents 4 to 11, petitioner had approached the police for necessary protection. So far, no action had been taken in the matter and therefore the petitioner has approached this Court.

2. Counter affidavit has been filed by respondents 4 to 11 *inter alia* stating that the intention of the petitioner is to quarry

the granite stones as evidenced from the photographs, which are produced as Ext.R4(a). Petitioner had only obtained permission for establishing a metal crusher unit and for that purpose, there was no reason why granite should be quarried.

3. Reply affidavit has been filed by the petitioner *inter alia* stating that they have no intention to quarry the granite from the property in question. There was an existing quarry, but presently they do not have any quarrying licence and therefore the entire quarrying activities has been stopped. Petitioner's intention is only to establish a metal crushing unit and no quarrying activity will be done as alleged.

4. Learned counsel for respondents also submits that their apprehension was in relation to the quarrying being carried out by the petitioner under the guise of setting up a metal crusher unit.

5. Having regard to the aforesaid factual situation, we are of the view that if there is any obstruction created by respondents 4 to 11 or any other persons in the matter relating to the

W.P(C) No.15233/15

-:3:-

establishment of the metal crusher unit of the petitioner, police shall provide necessary protection to enable the petitioner to set up the metal crusher unit. It is made clear that under the guise of this order, petitioner shall not carry out any quarrying operations.

With the above observation, this writ petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge