

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 15907 of 2015 (K)

PETITIONER(S) :

THOMAS

CHELLANTHARA HOUSE, VAZHOR KARA, VAZHOOR VILLAGE
KOTTAYAM DISTRICT.

BY ADVS.SRI.S.ANANTHAKRISHNAN

SRI.N.K.SUBRAMANIAN

RESPONDENT(S) :

THE SUB-INSPECTOR OF POLICE

(SHO), MANIMALA POLICE STATION, MANIMALA
KOTTAYAM DISTRICT. 688 001.

BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 15907 of 2015 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1- TRUE COPY OF THE TAX PAID RECEIPT DT. 10.4.13 WITH ENGLISH
TRANSLATION.

P2- TRUE COPY OF THE POSSESSION CERTIFICATE DT. 21.5.15 WITH ENGLISH
TRANSLATION.

P3- TRUE COPY OF THE BUILDING PERMIT DT. 1.1.2015.

P4- TRUE COPY OF THE CHALAN RECEIPT DT. 17.4.2015.

P5- TRUE COPY OF THE ORDER DT. 18.4.2015 OF THE MINING AND GEOLOGY
DEPARTMENT ISSUED TO THE PETITIONER WITH ENGLISH TRANSLATION.

P6- TRUE COPY OF THE REQUEST DT. 23.5.2015 FILED BEFORE THE 1ST
RESPONDENT AND THE RECEIPT ISSUED WITH ENGLISH TRANSLATION.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No.15907 of 2015

Dated this the 3rd June, 2015

JUDGMENT

Ashok Bhushan, CJ.

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

2. This Writ Petition has been filed seeking a writ of mandamus to the first respondent to give adequate police protection for removing and transporting the earth in conformity with Exhibit P5 order without any obstruction. The petitioner's case is that he had been granted a permit dated 18.4.2015. It is submitted that the removal and transportation of earth was being objected by the local people. Though the petitioner approached the Police authorities, no action is taken by them.

3. The learned Government Pleader, on instructions, submitted that the obstruction is being created by the local people on the ground that the petitioner has already

removed that quantity of earth which has been permitted by permit dated 18.4.2015.

In view of the above facts, we are of the view that further removal of earth shall be undertaken by the petitioner only with the permission of the Geologist, who may inspect the site and it should be under his supervision and direction that further removal of earth be carried out. The Geologist may determine the quantity which the petitioner is entitled to remove, in case the quantity of earth has not been removed to the extent it was permitted earlier. If the petitioner removes and transports earth as per the permit, the Police shall afford adequate protection. The Geologist shall take action as stated above within one week from the date of receipt of a certified copy of this judgment.

The Writ Petition is disposed of as above.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**