

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

WP(C).No. 19753 of 2014 (T)

PETITIONERS :

1. ABDUL ALI
S/O.BEERAN, CHALODI HOUSE, PALLIKKALL PO
PALLIKKAL BAZAR, MALAPPURAM DISTRICT
2. SUBAIR.K.V
S/O.SIYALI, PATTATHIL HOUSE, PERUMANNA PO
KOZHIKODE DISTRICT

BY ADVS.SRI.U.K.DEVIDAS
SMT.LIJI KUTTAPPAN

RESPONDENTS :

1. THE CIRCLE INSPECTOR OF POLICE
KOTUVALLY CIRCLE, KOZHIKODE DISTRICT 673 572
2. THE SUB INSPEVCTOR OF POLICE
MOKKAM POLICE STATION, KOZHIKODE DISTRICT 673 602.
3. AJAYAN.P.N
S/O.UNNEERI, POOVATHIKKAL HOUSE, MYSOREMALA PO
KAKKAD AMSOM, KARASSERI DESOM
KOZHIKODE DISTRICT 673 602.
4. RAJAN.M.K
S/O.VALYATHAN, POOVATHIKKAL MUNDAYIL HOUSE
MYSOREMALA PO, KAKKAD AMSOM, KARASSERI DESOM
KOZHIKODE DISTRICT 673 602.
5. SUDHEESH
S/O.SREEDHARAN, MALAMKKUNNU HOUSE, POOVATHIKKAL
MYSOREMALA PO, KAKKAD AMSOM, KARASSERI DESOM
KOZHIKODE DISTRICT 673 602.

6. UMMER
MANNIL HOUSE, MALAMKKUNNU, MYSOREMALA PO
KAKKAD AMSOM, KARASSERI DESOM
KOZHIKODE DISTRICT 673 602.

7. RATHEESH
S/O.SASI, PILINJAPALLIYIL HOUSE, MALAMKKUNNU
MYSOREMALA PO, KAKKAD AMSOM KARASSERI DESOM
KOZHIKODE DISTRICT 673 602.

Addl. 8. THE GEOLOGIST
MINING AND GEOLOGY DEPARTMENT, DISTRICT OFFICE
KOZHIKODE - 673 021.
(ADDL.R8 IS IMPEADED AS PER ORDER DATED 13/08/2014
IN IA NO. 11014/2014).

R3-R5 & 7 BY ADV. SRI.E.NARAYANAN
R BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1 : COPY OF THE PERMIT DATED 4/11/2013 GRANTED BY THE
GEOLOGIST, MINING AND GEOLOGY DEPARTMENT , KOZHIKODE.

EXHIBIT P2 : COPIES OF THE PERMIT DATED 11/9/2013 GRANTED BY THE
GEOLOGIST, MINING AND GEOLOGY DEPARTMENT, KOZHIKODE.

EXHIBIT P3 : COPY OF THE LOCATION CERTIFICATES DATED 23/10/2013 ISSUED
BY THE VILLAGE OFFICER, KAKKAD WITH ENGLISH TRANSLATION.

EXHIBIT P4 : COPY OF LOCATION CERTIFICATES DATED 29/8/2013 ISSUED BY
THE VILLAGE OFFICER, KAKKAD WITH ENGLISH TRANSLATION.

EXHIBIT P5 : COPY OF THE PETITION DATED 11/7/2014 FILED BY THE PETITIONERS
BEFORE THE FIRST RESPONDENT WITH ENGLISH TRANSLATION.

EXHIBIT P6 : TRUE COPY OF THE QUARRYING PERMIT ISSUED BY THE
ADDITIONAL 8TH RESPONDENT DATED 29.09.2014.

RESPONDENTS' EXHIBITS :

EXT.R4(A) : TRUE COPY OF REPRESENTATION DATED 03.05.2013 SUBMITTED
BY THE KANNATTUKUZH WATER STREAM PROTECTION
SOCIETY SUBMITTED BEFORE THE VILLAGE OFFICER, KAKKAD.

EXT.R4(B) : TRUE COPY OF REPORT DATED 23.08.2014 FILED BY THE
VILLAGE OFFICER, KAKKAD TO THE R.D.O. KOZHIKODE.

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 19753 OF 2014

Dated this the 21st day of November, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection alleging that respondents 3 to 7 are obstructing the functioning of the laterite quarry and transportation of the materials.

2. It is submitted by learned counsel appearing for respondents 3 to 7 that on the basis of the complaint given by the petitioner, police has already enquired into the matter and therefore there is no cause of action to file this writ petition. It is also submitted that respondents 3 to 7 have not obstructed the petitioner physically from carrying on the quarry operations and transportation of the materials.

Having regard to the above factual circumstances we do not think that any direction as sought for is required to be passed in this case. We only observe that if there is any further threat, it is always open for the petitioner to file a

WP(C) No. 19753 of 2014

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complaint before the Police, who shall look into the same and do the needful.

With the above observation, the Writ Petition is closed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**

ttb/21/11