

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 20742 of 2015 (P)

PETITIONER:

**ARAVINDAKSHAN. P., AGED 58 YEARS,
S/O.GOPALAN NAIR, POTTANATE HOUSE,
Ayyappankavu (PO), MULAYAM, THRISSUR DISTRICT.**

BY ADV. SRI.JOBI JOSE KONDODY.

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, AYYANTHOLE. P.O.,
THRISSUR DISTRICT-680 003.**
- 2. THE SUB INSPECTOR OF POLICE,
MANNUTHY POLICE STATION, MANNUTHY (PO).,
THRISSUR DISTRICT-680 651.**
- 3. SARATH KOOTTALA, S/O.SASI,
KOKKANTHARA HOUSE, KOOTTALA (PO).,
THRISSUR DISTRICT-680 652.**
- 4. MANESH, S/O.MANOCHARAN,
PUTHUPPARAMBIL HOUSE, KOOTTALA (PO),
THRISSUR DISTRICT-680 652.**
- 5. JITHESH, S/O.VENUGOPAL,
PULINKUZHIL HOUSE, KOOTTALA (PO),
THRISSUR-680 652.**
- 6. PRANESH, S/O.CHANDRAN,
MALAYANTHODY HOUSE, KOOTTALA (PO),
THRISSUR-680 652.**

**R1 & R2 BY SR. GOVT. PLEADER SR.C.R. SYAMKUMAR.
R3 TO R6 BY ADV. SRI.SUMODH MADHAVAN NAIR.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 A TRUE COPY OF THE QUARRYING LEASE DATED 19.01.2011 EXECUTED BY THE PETITIONER AND THE GOVERNMENT OF KERALA.
- P2 A TRUE COPY OF THE CONSENT TO OPERATE THE QUARRY ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD DATED 11.09.2014 VALID UPTO 30.06.2015.
- P3 A TRUE COPY OF THE CONSENT VARIATION ORDER DATED 01.07.2015 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD RENEWING EXHIBIT P2 UPTO 30.04.2017.
- P4 A TRUE COPY OF THE D & O LICENSE DATED 26.05.2015 ISSUED BY THE THRISSUR CORPORATION TO RUN THE QUARRY OF THE PETITIONER FOR THE FINANCIAL YEAR 2015-2016.
- P5 A TRUE COPY OF THE FORUM LE-3 LICENSE DATED 31.03.2009 VALID UPTO 31.03.2016 ISSUED BY THE JOINT CHIEF CONTROLLER OF EXPLOSIVES FOR STOCKING EXPLOSIVES IN HIS MAGAZINE AND USING THE SAME IN THE QUARRY OF THE PETITIONER.
- P6 A TRUE COPY OF THE LETTER NO.G1/16828/JS-102/11/RC DATED 14.12.2011 ISSUED BY THE DISTRICT POLICE CHIEF TO THE PETITIONER INTIMATING CLOSURE OF THE PETITIONER'S COMPLAINT FILED BEFORE THE PUBLIC RELATIONS PROGRAMME OF THE CHIEF MINISTER.
- P7 A TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER DATED 03.07.2015 BEFORE THE SECOND RESPONDENT.
- P8 A TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.
- P9 A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 03.07.2015.
- P10 A TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT EVIDENCING RECEIPT OF EXHIBIT P9 ISSUED BY THE FIRST RESPONDENT.

RESPONDENT'S EXHIBITS:-

- EXT.R3A COPY OF THE COMPLAINT NO.C 711/2015 DATED 22/04/2015, WITHOUT EXHIBITS.
- EXT.R3B COPY OF THE ACKNOWLEDGMENT RECEIPT OF PETITION NUMBERED AS PETITION NO.55346/2015 DATED 09/04/2015 ALONG WITH ITS ENGLISH TRANSLATION.

//TRUE COPY//

P.A. TO JUDGE

rs.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.20742 of 2015

Dated this the 27th day of July 2015

J U D G M E N T

Shaffique, J

Petitioner submits that he is holding a quarrying lease for a period of ten years from 19/01/2011 which is produced as Ext.P1. He had also obtained consent to operate from the Kerala State Pollution Control Board, necessary licence from the local authorities and all permissions required for operating the quarry. The complaint is that the functioning of the quarry is being obstructed by respondents 3 to 6 by demanding that their vehicles alone should be permitted to carry granite from the site. According to the petitioner, respondents 3 to 6 have no right to make such a demand nor obstruct the functioning of the quarry by making such unwarranted demands. Though petitioner preferred a complaint to the police for necessary police protection, no action has been taken in the matter. Therefore, petitioner has approached this Court.

2. Counter affidavit is filed by respondents 3 to 6 inter alia stating that they had not obstructed the petitioner in any manner. It is stated that the petitioner was conducting an illegal quarry and certain people in the locality, being aggrieved by the pollution being caused due to the functioning of the quarry, have obstructed the same.

3. The learned Government Pleader, on instructions, submits that the quarry was not being functioning for some time despite Ext.P1 quarrying lease. When the petitioner started quarrying operation, certain people obstructed the same.

4. Having regard to the aforesaid factual situation, it is clear that the petitioner is having a valid licence to operate the quarry. Licence is valid till 18/01/2021. As long as the petitioner has valid clearance/permission from the competent authorities, respondents 3 to 6 nor any other person can obstruct the functioning of the quarry. If any such obstruction is created, definitely on the complaint of the petitioner, police is bound to ensure maintenance of law and order.

Under such circumstances, this writ petition is disposed of as under:

2nd respondent shall ensure maintenance of law and order in the matter relating to functioning of the quarry of the petitioner and if there is any obstruction from respondents 3 to 6, he shall ensure that no obstruction is being caused to the functioning of the quarry or for the transportation of the materials.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

