

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 21026 of 2015 (C)

PETITIONER(S):

**SAJEENA ANWAR, AGED 36 YEARS,
W/O. ANWAR, FARHANA MANZIL, KOORAMPALA P.O.,
PANDALAM, PATHANAMTHITTA DISTRICT, PIN-689 501,
REPRESENTED BY POWER OF ATTORNEY HOLDER
K.P. KAREEM, AGED 58, S/O.KOYAKUNJU, PARAMPIL KIZHAKKETHIL,
THAZHAVA P.O., KARUNAGAPPALLY, KOLLAM DISTRICT.**

**BY ADVS.SRI.V.P.MOHAMMED NIYAZ,
SRI.M.P.MUHAMMAD FAZIL,
SRI.K.RONALD JOSE,
SMT.AUGNES LOVELY FRANCIS.**

RESPONDENTS:

- 1. THE DEPUTY SUPERINTENDENT OF POLICE,
CHENGANNUR SUB DIVISION,
DEPUTY SUPERINTENDENT OF POLICE (DYSP) OFFICE,
CHENGANNUR ALAPPUZHA DISTRICT.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
MAVELIKKARA CIRCLE, OFFICE OF THE
CIRCLE INSPECTOR OF POLICE, MAVELIKKARA,
ALAPPUZHA DISTRICT.**
- 3. THE SUB INSPECTOR OF POLICE,
NOORANADU POLICE STATION,
NOORANADU P.O., ALAPPUZHA DISTRICT.**
- 4. SANTHAMMA, D/O. NANI,
NJAVARAKUNNEL (SANTHALAYAM),
AADIKATTUKULANGARA P.O., ALAPPUZHA -690 504.**
- 5. SUMA, D/O NANI, NJAVARAKUNNEL THEKKU,
AADIKATTUKULANGARA P.O., ALAPPUZHA- 690 504.**

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**6. MOHANAN, KALIEKKA VADAKKETHIL,
AADIKATTUKULANGARA P.O.,
ALAPPUZHA- 690 504.**

**7. SIMON, WARVIL HOUSE,
NOORANADU P.O., NEAR PATHAMKUTTY HSS,
ALAPPUZHA - 688 001.**

*** ADDL. R8 IMPEADED**

**8. PALAMEL PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
PALAMEL PANCHAYATH OFFICE, NOORANADU P.O.,
ALAPPUZHA - 690 504.**

*** ADDL. R8 IS IMPEADED AS PER ORDER DATED 23.07.2015 IN
IA. NO.10598/2015.**

**R1 TO R3 BY SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR.
R4 TO R6 BY ADV. SRI.MANU ROY.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE COPY OF THE ENVIRONMENTAL CLEARANCE DATED 07.05.2014 ISSUED FROM THE STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY, KERALA.
- EXT.P2: TRUE COPY OF THE JUDGMENT DATED 28.11.2014 IN WP(C).NO.31484/2014 THIS HON'BLE COURT.
- EXT.P3: TRUE COPY OF THE ENVIRONMENT CERTIFICATE DATED 20.04.2015 ISSUED BY THE STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY, KERALA.
- EXT.P4: TRUE COPY OF THE COMMUNICATION DATED 04.06.2015 OF THE MEMBER SECRETARY OF STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY, TO THE DISTRICT COLLECTOR, ALAPPUZHA.
- EXT.P5: TRUE COPY OF THE PERMIT DATED 22.06.2015 ISSUED BY THE MINING AND GEOLOGY.
- EXT.P6: TRUE COPY OF THE RECEIPT FOR THE COMPLAINT SUBMITTED BEFORE THE 3RD RESPONDENT DATED 24.06.2015.
- EXT.P6(A): TRUE ENGLISH TRANSLATION OF EXHIBIT P6.
- EXT.P7: TRUE COPY OF THE COMPLAINT SUBMITTED BY PETITIONER BEFORE THE 1ST RESPONDENT DATED 09.07.2015.
- EXT.P8: TRUE COPY OF THE RECEIPT FOR EXHIBIT P7.
- EXT.P8(A): TRUE ENGLISH TRANSLATION OF EXHIBIT P8.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ASHOK BHUSHAN, C.J.
&
A.M. SHAFFIQUE, J.
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W.P. (C) No. 21026 of 2015

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Dated this, the 8th day of September, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking police protection in the matter of removal of ordinary earth. According to the petitioner, she has obtained environmental clearance and also permits for removal of ordinary earth in terms of Exts.P1 and P5. The period covered by the environmental clearance in terms of Ext.P1 has expired. By virtue of judgment dated 28/11/2014 in WP(C) No.31484/2014, this period has been extended, which is expiring by 30th September, 2015. As far as Ext.P5 permit is concerned, though the period is over by 21/7/2015, petitioner submits that she has already applied for renewal of the same for obtaining appropriate transportation pass for removal of the earth.

2. Though notice was ordered to respondents 4 to 8, there is no appearance on their behalf.

-:2:-

3. Petitioner submits that obstruction was caused by private respondents in the matter relating to the removal of ordinary earth. Though she had obtained all necessary permissions, unnecessary obstruction is being created. Petitioner submitted a compliant to the police and since no action had been taken for providing effective protection, this writ petition is filed.

Having regard to the aforesaid factual situation, we are of the view that this writ petition can be disposed of as under:-

If the petitioner obtains renewal of Ext.P5 permit and necessary transportation pass for removal of ordinary earth, on the request of the petitioner, 3rd respondent shall ensure maintenance of law and order and prevent any obstruction being created by respondents 4 to 7 or their men.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge