

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 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

WP(C).No. 22374 of 2015 (V)

PETITIONER(S) :-

P.VIKRAMAN NAIR,
ESHWARALAYAM, CHUNAKARA P.O., MAVELIKKARA
ALAPPUZHA DISTRICT.

BY ADV. SRI.K.K.SATHEESH

RESPONDENT(S) :-

1. THE SUPERINTENDENT OF POLICE
ALAPPUZHA - 688 001.
2. THE SUB INSPECTOR OF POLICE
VALLIKUNNAM POLICE STATION, MAVELIKKARA - 690 501.
3. OMANAKUTTAN NAIR
S/O.MADHAVAN NAIR, PANTHAPLAVIL, KANNANAMKUZHY MURI
THAMARAKKULAM VILLAGE - 690 530.
4. KRISHNANKUTTY
S/O.VASUDEVANPILLAI, SREEKRISHNA BHAVANAM
KANNANAMKUZHY MURI, THAMARAKKULAM VILLAGE - 690 530
5. THULASEEDHARAN NAIR
S/O.MADHAVAN NAIR, MANGATTETHU, KANNANAMKUZHY MURI
THAMARAKKULAM VILLAGE - 690 530.

R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 - TRUE COPY OF THAT QUARRYING PERMIT ISSUED BY THE GEOLOGIST, MINING & GEOLOGY DEPARTMENT, DISTRICT OFFICE, MINI CIVIL STATION, CHERTHALA.

EXT.P2 - TRUE COPY OF THAT AGREEMENT BETWEEN SAID VIJAYAN PILLAI AND THE PETITIONER.

EXT.P2(a) - TRUE ENGLISH TRNASLATION OF MALAYALAM DOCUMENT
EXT. P2.

EXT.P3 - TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT DT.07.07.2015 AND ITS ENGLISH TRANSLATION.

EXT.P3(a) - TRUE ENGLISH TRANSLATION OF MALAYALAM DOCUMENT
EXT. P3.

EXT.P4 - TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT ISSUED BY THE 2ND RESPONDENT DT. 10.7.2015.

EXT.P4(a) - TRUE ENGLISH TRANSLATION OF MALAYALAM DOCUMENT
EXT. P4.

EXT.P5 - TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT DT. 14.7.2015.

EXT.P5(a) - TRUE ENGLISH TRANSLATION OF MALAYALAM DOCUMENT
EXT. P5.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.22374 of 2015

Dated this the 3rd day of September 2015

J U D G M E N T

Ashok Bhushan, CJ.

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

2. Though notices were issued to private respondents, which were served, no one entered appearance.

3. By this writ petition, the petitioner is seeking for a direction to respondents 1 and 2 to afford adequate and effective protection to the petitioner enabling him for extracting Laterite Building Stones as per Ext.P1 quarrying permit. Petitioner is claiming entitlement on the basis of Ext.P1 dated 24.6.2015 to remove laterite building stone from the area of 3.2 Ares in Survey No.18/2, 3, 22/19, 21 of Thamarakkulam village. Petitioner's case is that respondents 3 to 5, without there being any right, are unnecessarily creating obstruction, with regard to which, a complaint was also filed as Ext.P3.

4. Learned Government Pleader on instructions would submit that after receipt of the complaint, respondents 3 to 5 were

-: 2 :-

called and they were warned not to interfere. It is submitted that thereafter, no further incident is reported to the police as on date. There is no interference caused by respondents 3 to 5.

Recording the aforesaid submission, we close the writ petition with liberty to the petitioner to file complaint as and when any further obstruction is created by the private respondents.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**