

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(C).No. 22613 of 2015 (B)

PETITIONER(S):

**K.M. ABDUL RAHIM, AGED 59,
S/O. MUHAMMED, KILIYAM HOUSE, CHUTUPADUKARA,
EDAPPALLY P.O., KOCHI-24.**

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
HOME AFFAIRS DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE SUPERINTENDENT OF POLICE (RURAL),
ALUVA, ERNAKULAM DISTRICT, PIN - 683 101.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
KURUPPAMPADY, ERNAKULAM DISTRICT, PIN - 683 547.**
- 4. THE SUB INSPECTOR OF POLICE,
KURUPPAMPADY, ERNAKULAM DISTRICT, PIN - 683 545.**
- 5. SUBAIR, AGED ABOUT 50 YEARS,
S/O.NOT KNOWN, PUTTUKADAN HOUSE, PATHALAPARAMBU,
VALAYANCHIRANGARA P.O., PERUMBAVOOR - 683 542.**
- 6. ANWAR, AGED ABOUT 45 YEARS,
S/O.NOT KNOWN, CHETTIKUDY HOUSE, VATTAKKATHUPADY,
PERUMBAVOOR - 683 542.**

msv/

WP(C).No. 22613 of 2015 (B)

7 . SHAFI, AGED ABOUT 47 YEARS,
S/O.NOT KNOWN, C/O.ANWAR, VATTAKKATHUPADY,
PERUMBAAVOOR - 683 542.

8. THE GEOLOGIST,
DEPARTMENT OF MINING & GEOLOGY, DISTRICT OFFICE,
ERNAKULAM, KOCHI - 30.

R1 TO R4 & R8 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-08-2015, ALONG WITH WPC. 22620/2015 & WPC. 22634/2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 22613 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: THE COPY OF THE BUILDING PERMIT NO.540/2014-15 ISSUED BY THE SECRETARY, RAYAMANGALAM GRAMA PANCHAYAT IN FAVOUR OF THE PETITIONER, DATED 24.06.2015.

EXHIBIT-P2: THE COPY OF THE POSSESSION AND NON-ATTACHMENT CERTIFICATE ISSUED BY THE VILLAGE OFFICER, RAYAMANGALAM VILLAGE.

EXHIBIT-P3: THE COPY OF THE SANCTIONED BUILDING PLAN ISSUED BY THE SECRETARY, RAYAMANGALAM GRAMA PANCHAYAT.

EXHIBIT-P4: THE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE RESPONDENTS 2 TO 4 DATED 21.07.2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.Nos.22613, 22620
& 22634 of 2015

Dated this the 7th day of August 2015

J U D G M E N T

Ashok Bhushan, CJ

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

2. These writ petitions have been filed by the petitioners seeking police protection to carry on construction activities in the property on the strength of building permits issued by the Panchayath. Petitioners submit that they have obtained building permits and the construction is being obstructed by private persons on the supposed ground that the petitioners are going to remove stones whereas they are not going to carry out any mining activities. It is further submitted that petitioners do not require any permit for carrying out the construction activities.

3. The learned Government Pleader, after obtaining instructions, submits that as per Rule 106 of the Kerala Minor Mineral Concession Rules, 2015, petitioners have to inform the

Geologist along with relevant documents and only after information to the Geologist with all relevant materials, that the petitioners can start their activities. It is also submitted that, in the present cases, no such written information has been submitted by the petitioners. The learned Government Pleader further submits that certain restrictions have also been imposed by the Government on account of monsoon till 31/08/2015 in carrying out such activities.

4. Considering the aforesaid, without entering into any other issues, we close these writ petitions with liberty to the petitioners to submit proper applications along with relevant materials to the Geologist, Department of Mining and Geology and thereafter take such steps, as required.

With these observations, these writ petitions are closed.

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

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

jsr

