

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 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WP(C).No. 24064 of 2015 (G)

PETITIONER(S) :

1. C.K.ABDUL KAREEM, AGED 45 YEARS, S/O.KUNHI MUHAMMED,
CHALLATHIL KALLADITHODI HOUSE, MELMURI.P.O., MALAPPURAM.
2. E.K.ABDU, AGED 49 YEARS, S/O.MUHAMMAD,
ERiyAKALATHIL HOUSE, POOKOTTOR P.O., MALAPPURAM.
3. HAJID.K.T., AGED 30 YEARS, S/O.ABDURAHMAN,
KUZHICKATTUTHODI HOUSE, MELMURI P.O., ALATHURPADY,
MALAPPURAM.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S) :

1. THE SUPERINTENDENT OF POLICE, MALAPPURAM - 676 505.
2. THE SUB INSPECTOR OF POLICE, (THE STATION HOUSE OFFICER)
MALAPPURAM POLICE STATION, MALAPPURAM - 676 505.
3. THE GEOLOGIST, DISTRICT OFFICE OF THE DEPARTMENT OF
MINING AND GEOLOGY, CIVIL STATION, MALAPPURAM - 676 505.
4. YUSUF @ MANHU, SON OF ALAVIKUTTY
5. SUBAIR, SON OF HAMSA
6. MUJEEB, SON OF MOIDHEEN
7. ANWAR T.K., SON OF ALAVIKUTTY

R4-R7 BY ADV. SRI.T.K.AJITH KUMAR

R1-R3 BY SRI.C.R.SYAMKUMAR, SR. GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

AMV

WP(C).No. 24064 of 2015 (G)

APPENDIX

PETITIONER(S) EXHIBITS :

- EXT.P1. : COPY OF THE PERMIT RELATING TO THE 1ST PETITIONER
VALID UP TO JUNE 2016.**
- EXT.P2. : COPY OF THE PERMIT RELATING TO THE 2ND PETITIONER
AND VALID UP TO MAY 2016.**
- EXT.P3. : COPY OF THE PERMIT RELATING TO THE 3RD PETITIONER
AND VALID UP TO OCTOBER 2015.**
- EXT.P4. : COPY OF PHOTOGRAPH OF THE BOARD ERECTED BY
RESPONDENTS 4 TO 7 ON PUBLIC ROAD PROHIBITING
TRANSIT OF LORRIES CARRYING LATERITE STONES.**
- EXT.P4(A) : COPY OF THE ENGLISH TRANSLATION OF THE CONTENTS OF
EXT.P4.**
- EXT.P5. : COPY OF THE FIR IN CRIME NUMBER 1101 OF THE
MALAPPURAM POLICE STATION.**
- EXT.P5(A) : COPY OF THE ENGLISH TRANSLATION OF EXT.P5.**
- EXT.P6. : COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONERS
ON JULY 13, 2015 BEFORE THE 1ST RESPONDENT ALONG
WITH ITS ACKNOWLEDGEMENT.**
- EXT.P6(A) : COPY OF THE ENGLISH TRANSLATION OF EXT.P6.**

RESPONDENTS EXHIBITS : NIL

/TRUE COPY/

PA.TO JUDGE

AMV

ASHOK BHUSHAN, C.J.

&

A.M.SHAFFIQUE, J.

.....
W.P.(C) No.24064 of 2015 (G)

.....
Dated this the 21st day of August, 2015

JUDGMENT

Shaffique, J.

Petitioners have approached this Court seeking Police protection. It is stated that they are engaged in the business of extraction, manufacture and sale of laterite building stones (Vettukallu). The complaint of the petitioner is with reference to obstruction being created by respondent Nos.4 to 7 in using a road near Machingal. Though, complaint was given to the police, no action has been taken in the matter, hence the petitioners have approached this Court. It is also stated that certain petitioners employees were manhandled by the respondents 4 to 7 for which a crime has already been registered by the police. Still the petitioners and the workers are under severe threat of life and being manhandled as a result of the obstruction created by respondents 4 to 7.

2.The learned Counsel appearing for respondents 4 to 7 submits that they have not created any physical obstruction. It is stated that the road leading to the site is very narrow and the petitioners are using their heavy vehicles in a rash and negligent manner which causes nuisance, disturbance and threat to the life of the persons residing in the locality. On account of such apprehension, the people in the locality have asked the petitioners not to ply their vehicle in such a manner, other than that no threat has been made by the respondents.

3.Having regard to the aforesaid facts and circumstances, we are of the view that if the respondents 4 to 7 or the persons in the locality have any dispute regarding plying of vehicles by the petitioners, their remedy is to approach the local authority or the police as the case may be. They cannot take law and order in their hands and physically prevent plying of vehicles or manhandle the workers of the petitioners.

4. Under such circumstances, we are of the view that if there is any further obstruction or commission of offence or attempt to commit offence by respondents 4 to 7 or their

gang, on a complaint of the petitioners, the police shall look into the matter and take appropriate steps to prevent such obstructions in plying of the vehicles. It is made clear that the respondents 4 to 7 or any other person in the locality is free to approach the competent authority to redress their grievances.

Sd/-
ASHOK BHUSHAN, Chief Justice

Sd/-
A.M.SHAFFIQUE, Judge

AMV/21/08/