

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 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 24570 of 2015 (U)

PETITIONER(S) :

**K.V.CHACKO, AGED 54 YEARS,
S/O.VARKEY, KURIAMPRAMBIL HOUSE, MANJOOR,
KOTHANELLOOR, VAIKOM, KOTTAYAM,
REPRESENTED BY POWER OF ATTORNEY HOLDER RANADEV P.K.,
AGED 50 YEARS, S/O.KARUNAKARAN, PUTHENPURAYIL HOUSE,
THRUVAMPADI, PAZHUTHURUTHU, NJEEZHOO, KOTTAYAM.**

BY ADV. SRI.M.J.THOMAS

RESPONDENT(S):

- 1. THE DISTRICT POLICE CHIEF,
KOTTAYAM- 686 001.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
KADUTHURUTHY- 686 507.**
- 3. THE SUB INSPECTOR OF POLICE,
KADUTHURUTHY POLICE STATION, KADUTHURUTHY,
KOTTAYAM DISTRICT- 686 507.**
- 4. THE KOTTAYAM DISTRICT GEOLOGIST
DISTRICT OFFICE KOTTAYAM,
THE DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM- 686 001.**
- 5. JOSE SEBASTIAN,
THENNATTIL HOUSE, MANJOOR, KOTTAYAM- 686 001.**
- 6. BHAI JAMES,
THENNATTIL HOUSE, MANJOOR, KOTTAYAM- 686 001.**

R1 TO R4 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: TRUE COPY OF THE BUILDING PERMIT DATED 06.05.2015 ISSUED BY THE SECRETARY, MANJOOR GRAMA PANCHAYAT ALONG WITH ITS ENGLISH TRANSLATION.**
- P2: TRUE COPY OF THE TAX RECEIPT EVIDENCING PAYMENT OF TAX BY THE PETITIONER FOR THE YEAR 2015-16 ALONG WITH ITS ENGLISH TRANSLATION.**
- P3: TRUE COPY OF THE LOCATION PLAN OF THE PROPERTY BELONGING TO THE PETITIONER ALONG WITH ITS ENGLISH TRANSLATION.**
- P4: TRUE COPY OF THE ORDER DATED 03.08.2015 ISSUED BY THE 4TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.**
- P5: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.24570 of 2015

Dated this the 17th day of August 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioner and the learned senior Government Pleader. No notice is being issued to respondents 5 and 6 in view of the judgment being passed today.

2. Petitioner, by this writ petition, has prayed for a direction to respondents 1 to 3 to afford adequate and effective police protection to load and transport 950 metric ton of ordinary earth allowed to be transported as per Ext.P4 and the transit passes issued in pursuance to Ext.P4 against the illegal activities of respondents 5 and 6. Petitioner's case is that he has obtained mining permit and transit pass for transportation of ordinary earth for levelling the land. Obstruction was created by respondents 5 and 6 and they caused damage to the JCB brought to the work site.

3. The learned senior Government Pleader submits that after receiving a complaint from the petitioner, respondents 5 and

6 were called. It is submitted that the apprehension of respondents 5 and 6 was that without any mining permit and transit pass, petitioner is carrying on the activities. It is submitted that respondents 5 and 6 have assured that no obstruction will be caused by them in the event petitioner is carrying out the activities as per the mining permit and transit pass. The learned Government Pleader further submits that in view of the aforesaid undertaking given by them, the complaint filed by the petitioner was closed.

In view of the aforesaid submission of the learned Government Pleader, we dispose of the writ petition giving liberty to the petitioner to approach the 3rd respondent if any further obstruction is created by respondents 5 and 6.

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

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

jsr

