

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 26710 of 2015 (K)

PETITIONER(S):

**SAJAN MANI AGED 50 YEARS
MANAGING DIRECTOR
M/S.BLUEMOUNT SANDS & AGGREGATES (P) LTD.
KANIYARKUZHAYIL, KARIMKUNNU PO, THODUPUZHA.**

**BY ADVS.SRI.MVS.NAMBOOTHIRY
SRI.POOVAMULLE PARAMBIL ABDULKAREEM
SRI.R.VINU RAJ**

RESPONDENT(S):

- 1. DISTRICT POLICE CHIEF
TRIVANDRUM RURAL, TRIVANDRUM-695 001.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE,
NEYYATTINKARA, THIRUVANANTHAPURAM-695 121**
- 3. THE CIRCLE INSPECTOR OF POLICE
VELLARADA, THIRUVANANTHAPURAM-695 505.**
- 4. THE SUB INSPECTOR OF POLICE,
VELLARADA, THIRUVANANTHAPURAM-695 505.**
- 5. V.RUSALAIYYAN
THOTTATHU HOUSE, MARAPPALLAM, THEKKUPARA (PO)
VELLARADA, THIRUVANANTHAPURAM, PIN-695 505.**
- 6. M.R.RANGANATHAN
MURALEEBHAVAN, KOOTHALI (PO), VELLARA
SECRETARY, CPI (M) LOCAL COMMITTEE, VELLARADA-695 505.**
- 7. GEETHA JAYADAS
ELOSHYAGRUHAM, KEEZHMUTTOOR, THEKKUPARA PO
VELLARADA, THIRUVANANTHAPURAM, PIN-695 505.**
- 8. T.L.RAJESH
KRIPASAGAR, VETTUKUTTI, KOOTHALI PO
VELLARADA, THIRUVANANTHAPURAM, PIN-695 505.**

9. JAYADAS
ELOSHYAGRUHAM, KEEZHMUTTOOR, THEKKUPARA PO
VELLARADA, THIRUVANANTHAPURAM, PIN-695 505.
 10. SHINE KUMAR
APPUKONAM, KOOTHALI PO, VELLARADA
THIRUVANANTHAPURAM, PIN-695 505.
 11. RAJENDRAPRASAD
CHANDRIKANILAYAM, KOOTHALI PO, VELLARADA
THIRUVANANTHAPURAM, PIN-695 505.
 12. SHIBU V.M.
SHAJIBHAVAN, VETTUKUTTI, KOOTHALI PO
VELLARADA, THIRUVANANTHAPURAM, PIN-695 505.
 13. VIJAYAN
NIRATHIL HOUSE, KAKATHOOKI, KOOTHALI PO
VELLARADA, THIRUVANANTHAPURAM, PIN-695 505.
 14. S.R.ASHOK
SABARINIVAS, PILLAVEEDU, VLAKAM
VELLARADA(PO), THIRUVANANTHAPURAM, PIN-695 505.
 15. S.LAIJU
LAIJU BHAVAN, APPUKONAM, KOOTHALI PO
VELLARADA, THIRUVANANTHAPURAM, PIN-695 505.
 16. BALRAJ
LEELATHILAKAM, KAKATHOOKKI, KOOTHALI PO
VELLARADA, THIRUVANANTHAPURAM, PIN-695 505.
- R5-R16 BY ADV. SRI.K.T.SHYAMKUMAR
R5-R16 BY ADV. SRI.HARISH R. MENON
BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED TO THE PETITIONER FROM VELLARADA VILLAGE OFFICE WITH ENGLISH TRANSLATION.

P2 : TRUE COPY OF THE TAX RECEIPT DATED 19-5-2014 ISSUED TO THE PETITIONER WITH ENGLISH TRANSLATION

P3 : TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED TO THE PETITIONER FROM THE VELLARADA GRAMA PANCHAYATH WITH ENGLISH TRANSLATION

P4 : TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED TO THE PETITIONER BY THE DISTRICT MEDICAL OFFICER, THIRUVANANTHAPURAM WITH ENGLISH TRANSLATION

P5 : TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 19-1-2011 ISSUED TO THE PETITIONER BY THE FIRE & RESCUE SERVICES, SOUTHERN REGION, TRIVANDRUM

P6 : TRUE COPY OF THE CERTIFICATE DATED 14-9-2012 ISSUED TO THE PETITIONER BY THE INSPECTOR OF FACTORIES & BOILERS GRADE I, TRIVANDRUM.

P7 : TRUE COPY OF THE CERTIFICATE ISSUED TO THE PETITIONER FROM THE DIVISIONAL FOREST OFFICE, TRIVANDRUM WITH ENGLISH TRANSLATION.

P8 : TRUE COPY OF THE COMPLAINT DATED 20-8-2015 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT WITH ENGLISH TRANSLATION.

P9 : TRUE COPY OF THE COMPLAINT DATED 20-8-2015 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT WITH ENGLISH TRANSLATION.

P10 : TRUE COPY OF THE COMPLAINT DATED 20-8-2015 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT WITH ENGLISH TRANSLATION.

P11 : TRUE COPY OF THE COMPLAINT DATED 20-8-2015 FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT WITH ENGLISH TRANSLATION.

P12 : TRUE COPY OF THE NEWS ITEM APPEARED IN THE MALAYALA MANORAMA DAILY DATED 1-5-2013 WITH ENGLISH TRANSLATION.

5TH RESPONDENT(S)' EXHIBITS

EXT.R5 (a) : TRUE COPY OF THE REPORT OF THE INSPECTOR OF POLICE, VIGILANCE AND ANTI CORRUPTION BUREAU, THIRUVANANTHAPURAM.

EXT.R5(b) : TRUE COPY OF THE ORDER DATED 5.3.2013
ISSUED BY THE GOVERNMENT ALONG WITH ITS ENGLISH
TRANSLATION.

EXT.R5(c) : TRUE COPY OF THE LETTER DATED 5.12.2013
ISSUED BY THE CHIEF TOWN PLANNER, THIRUVANANTHAPURAM
ALONG WITH ITS ENGLISH TRANSLATION.

EXT.R5(d) : TRUE COPY OF THE REPRESENTATION SUBMITTED
BY THE ACTION COUNCIL BEFORE THE CENTRAL EMPOWERED
COMMITTEE.

EXT.R5(e) : TRUE COPY OF THE LETTER DT 30.5.13 ISSUED
BY THE CENTRAL EMPOWERED COMMITTEE.

//True Copy//

PS to Judge

Rp

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

=====

W.P. (C) No. 26710 of 2015

=====

Dated this, the 30th day of September, 2015

J U D G M E N T

Shaffique, J.

This writ petition is filed by the petitioner seeking police protection *inter alia* alleging that obstruction is caused by respondents 5 to 16 in the matter relating to construction of an industrial unit by name Bluemount Sands and Aggregates Private Ltd. Petitioner has purchased some property for starting a metal crushing unit.

2. Counter affidavit has been filed by respondents 5 to 16 *inter alia* stating that petitioner does not have any permission to start such a unit. Though no objection was granted by the local Panchayat in terms of Ext.P3, the same has been cancelled by the Government as per order dated 5/3/2013, which is produced as Ext.R5(b).

Having regard to the fact that the petitioner does not have any permission to construct the industrial unit, we do not think

W.P(C) No.26710/15

-:2:-

that any direction for police protection as sought for can be granted in this writ petition. Accordingly, the writ petition is dismissed.

However, the dismissal of the writ petition shall not preclude the petitioner from taking any further steps in this regard after obtaining necessary permission/licence from the competent authorities.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

30/09/2015

//True Copy//

PS to Judge