

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 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 26751 of 2015 (T)

PETITIONER :

**BINDU SANTHOSH KUMAR, AGED 45 YEARS,
W/O. SANTHOSHKUMAR, RESIDING AT ASWATHY,
THAMARAKUDY P.O., MYLOM, KOTTARAKKARA.**

**BY ADVS.SRI.M.V.THAMBAN
SMT.THARA THAMBAN**

RESPONDENTS :

- 1. THE SUPERINTENDENT OF POLICE (RURAL),
KOTTARAKKARA, KOLLAM DISTRICT, PIN: 691 506.**
- 2. CIRCLE INSPECTOR OF POLICE,
KOTTARAKKARA, KOLLAM DISTRICT 691 506.**
- 3. SUB INSPECTOR OF POLICE
KOTTARAKKARA POLICE STATION,
KOTTARAKKARA, KOLLAM DISTRICT 691 506.**
- 4. SREEKUMAR, AGED 45 YEARS
S/O.KRISHNA PILLAI, USHA SADANAM, THAMARAKUDY P.O.,
MYLOM, KOTTARAKKARA, KOLLAM DISTRICT 691 560.**
- 5. SREELATHA, AGED 50 YEARS,
D/O.PADMAVATHY AMMASREE GOKULAM, THAMARAKUDY P.O.
MYLOM, KOTTAKKARA, KOLLAM DISTRICT 691 560.**
- 6. LALITHA KUMARI, AGED 60 YEARS,
W/O.RADHAKRISHNAN PILLAI, ASSARI AZHIKATHUVEEDU
THAMARAKUDY P.O., MYLOM, KOTTARAKKARA
KOLLAM DISTRICT 691 560.**
- 7. RADHAKRISHNA NAIR, AGED 60 YEARS,
S/O.CHELLAPPAN PILLAI, ASARAZHIKATHU VEEDU
OZHUKUPURA JUNCTIONTHAMARAKUDY P.O., MYLOM
KOTTARAKKARA, KOLLAM DISTRICT 691 560.**

WP(C).No. 26751 of 2015 (T)

- 8. ANEESH, AGED 35 YEARS,
S/O. SOMANATHAN PILLAI, ANEESH BHAVAN, THAMARAKUDY P.O.,
MYLOM, KOTTARAKKARA, KOLLAM DISTRICT 691 560.**
- 9. SIVAKUMAR, AGED 40 YEARS, S/O. PARAMESWARAN PILLAI,
SASTHAM VILA VEEDU, THAMARAKUDY P.O. MUYLOM,
KOTTARAKKARA, KOLLAM DISTRICT - 691560.**
- 10. THE DISTRICT OFFICER, GROUND WATER DEPARTEMNT,
DISTRICT OFFICE, KOLLAM**
- 11. THE DISTRICT COLLECTOR, CIVIL STATION, KOLLAM.**

**R1 TO R3 & R10 & R11 BY SENIOR GOVERNMENT PLEADER
SRI. C.R. SYAMKUMAR
R4 TO R9 BY ADV. SRI.ALEXANDER GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE TAX RECEIPT DT. 25/4/2015 ISSUED FROM THE MYLOM VILLAGE.
- P2: TRUE COPY OF THE FEASIBILITY REPORT NO.GTK/926/15 DT. 24/4/2015 ISSUED BY THE DISTRICT OFFICER, GROUND WATER DEPARTMENT, KOLLAM
- P3: TRUE COPY OF THE PERMIT DT. 4/5/2015 ISSUED FROM MYLOM PANCHAYATH
- P4: TRUE COPY OF THE PETITION 27/4/2015 SUBMITTED BY THE PETITIONER'S HUSBAND BEFORE THE 3RD RESPONDENT.
- P5: TRUE COPY OF THE COMPLAINT DT. 2/5/2015 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- P5(A): TRUE COPY OF THE ACKNOWLEDGMENT DATED 2/5/2015.
- P6: TRUE COPY OF THE LETTER NO.G.K.T.998/15 DT. 19/5/2015 ISSUED BY THE 10TH RESPONDENT, THE DISTRICT OFFICER OF THE GROUND WATER DEPARTMENT.
- P7: TRUE COPY OF THE ORDER DT. 6/7/2015 ISSUED BY THE 11TH RESPONDENT TO THE PETITIONER.
- P8: TRUE COPY OF THE PETITION DT. 21/7/2015 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- P8(A): TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT DT. 21/7/2015.
- P9: TRUE COPY OF THE LETTER NO.M.6.24706/15 DATED 9/7/2015 ISSUED BY THE 11TH RESPONDENT TO THE PETITIONER
- P10: TRUE COPY OF THE JUDGMENT DATED 13/8/2015 IN WPC NO. 21340/2015
- P11: TRUE COPY OF THE REQUEST DATED 13/8/2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND AND 3RD RESPONDENTS

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

=====

W.P. (C) No. 26751 of 2015

=====

Dated this, the 10th day of September, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking police protection in the matter relating to construction of a bore well. It is stated that respondents 4 to 9 were obstructing the construction of the bore well alleging scarcity of water in the locality. According to the petitioner, she had obtained all necessary permissions from the local authority, ground water department and the matter also received the attention of the District Collector, who had issued Ext.P7 order dated 6/7/2015.

2. Learned counsel appearing on behalf of respondents 4 to 9 submits that their apprehension was regarding the scarcity of water that may occur due to construction of the bore well. But, however, they have no intention to object if the petitioner constructs the bore well after complying with the conditions in the feasibility report submitted by the District Officer, Ground Water

-:2:-

Department as per Ext.P2 order dated 24/4/2015. It is also submitted that the digging of the bore well has to be done during day time and in the presence of the appropriate officers to ensure that there is compliance of the conditions stipulated in Ext.P2.

3. Learned counsel for the petitioner would however submit that all these issues have been gone into detail by the District Collector and appropriate directions had already been issued and the petitioner is ready and willing to comply with the directions as stipulated by Ext.P2 as well.

Having regard to this factual situation, we are of the view that this writ petition can be disposed of as under:-

- (i)The petitioner shall construct the bore well in terms with the permission granted and after complying with the conditions in the feasibility report in terms of Ext.P2. However, this shall be done after giving notice to the Ground Water Department and the competent officer of the local authority as well.
- (ii)Petitioner shall construct the bore well only during day time.
- (iii)During the construction of the bore well as aforesaid, if

W.P(C) No.26751/15

-:3:-

there is any obstruction from private respondents or any other person, the 3rd respondent shall ensure maintenance of law and order and prevent any such obstruction being caused to the construction of the bore well.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge