

**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. 27367 of 2015 (U)**  
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**PETITIONER(S):**  
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**ABDUL ALI, S/O.BEERAN,  
CHALODI HOUSE, PALLIKKALL P.O.,  
PALLIKKAL BAZAR, MALAPPURAM DISTRICT.**

**BY ADV. SRI.U.K.DEVIDAS**

**RESPONDENT(S):**  
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- 1. THE CIRCLE INSPECTOR OF POLICE,  
KOTUVALLY CIRCLE, KOZHIKODE DISTRICT - 673 572.**
- 2. THE SUB INSPECTOR OF POLICE, MUKKAM POLICE STATION,  
KOZHIKODE DISTRICT - 673 602.**
- 3. SADIK ATHOLI, S/O.BASHEER,  
KODAMPYOIL, ODATHERU, P.O. KARASSERY,  
KOZHIKODE DISTRICT - 673 602.**
- 4. ARUN P.A., S/O.ACHUTHAN,  
PERICHERI VILAYIL, ODATHERU, P.O. KARASSERY,  
KOZHIKODE DISTRICT - 673 602.**
- 5. SREENI, S/O.VELAYUDHAN,  
MYSOREMALA P.O., KAKKAD AMSOM,  
KARASSERI DESOM, KOZHIKODE DISTRICT - 673 602.**

**R1 & R2 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**msv/**

**WP(C).No. 27367 of 2015 (U)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
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**EXT.P1: TRUE COPY OF THE PERMIT DTD.5.8.2015 GRANTED BY THE GEOLOGIST,  
MINING AND GEOLOGY DEPARTMENT, KOZHIKODE.**

**EXT.P2: A TRUE COPY OF THE PETITION DTD.28.8.2015 FILED BY THE PETITIONER  
BEFORE THE SECOND RESPONDENT WITH ENGLISH TRANSLATION.**

**RESPONDENT(S)' EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE**

**MsV/**

**ASHOK BHUSHAN, C.J.**

**&**

**A.M. SHAFFIQUE, J.**

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W.P. (C) No. 27367 of 2015

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Dated this, the 10<sup>th</sup> day of September, 2015

## **J U D G M E N T**

### **Shaffique, J.**

Heard the learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 3 to 5 in view of the judgment which is being passed.

2. Petitioner submits that he is having licence to quarry laterite building stones from the property situated in Sy.No.172 in Kodyathur Village in Kozhikode Taluk. According to him, respondents 3 to 5 are obstructing the movement of vehicles and preventing the functioning of the quarry.

3. Learned Government Pleader on instructions would submit that respondents 3 to 5 and persons in the locality are obstructing the movement of vehicles since quarry is situated by the side of a Panchayat road. The apprehension expressed by them is that damage would be caused to the Panchayat road if the petitioner uses the Panchayat road for their access to the

-:2:-

property.

4. Having regard to the aforesaid facts, we do not think that private respondents will have a right to physically prevent the movement of vehicles to a quarry site especially through a Panchayat road. It is for the Panchayat and other authorities to take appropriate action, if there is any such apprehension. In such circumstances, if there is any such obstruction, 2<sup>nd</sup> respondent shall ensure maintenance of law and order.

Writ petition is closed.

Sd/-  
**ASHOK BHUSHAN, CHIEF JUSTICE**

Sd/-  
**A.M. SHAFFIQUE, JUDGE**

Rp

*//True Copy//*

*PS to Judge*