

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 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 29314 of 2015 (L)

PETITIONER(S) :

**SOSAMMA VARGHESE, AGED 65 YEARS,
W/O.LATE VARGHESE PUTHIYAMADAM, PUTHIYAMADAM HOUSE,
THEKKE EZHIPRAM, MALAYIDAMTHURUTHU P.O.,
PERUMBAVOOR VIA, ERNAKJULAM DISTRICT, PIN-683 561.**

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA

RESPONDENT(S) :

- 1. SUB INSPECTOR OF POLICE,
PERUMBAVOOR POLICE STATION, PERUMBAVOOR P.O.,
ERNAKULAM DISTRICT, PIN-683 542.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
PERUMBAVOOR, PERUMBAVOOR P.O.,
ERNAKULAM DISTRICT, PIN-683 542.**
- 3. DEPUTY SUPERINTENDENT OF POLICE,
PERUMBAVOOR, PERUMBAVOOR P.O.,
ERNAKULAM DISTRICT, PIN-683 542.**
- 4. SHAJAHAN,
S/O.ALLIYAR, EDATHADIL HOUSE, WEST VENGOLA P.O.,
PERUMBAVOOR VIA, ERNAKULAM DISTRICT, PIN-683 554.**
- 5. YUSUF A.A.,
S/O.ABDUL KHADIR, AYMANAKUDIL HOUSE, WEST VENGOLA P.O.,
KOLLIMUKAL, PERUMBAVOOR VIA,
ERNAKULAM DISTRICT-683 554.**
- 6. N.M.SULAIMAN,
S/O.MOOSA, NADUKUDY HOUSE, SOUTH VAZHAKULAM P.O.,
PERUMBAVOOR VIA, ERNAKULAM DISTRICT-683 105.**

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**7. ABDULLA,
S/O.BAVA, KALLAYIL HOUSE, WEST VENGOLA P.O,
MAROTTICHODU, PERUMBAVOOR VIA,
ERNAKULAM DISTRICT, PIN-683 554.**

R1 TO R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1: TRUE COPY OF THE POSSESSION CERTIFICATE DATED 27/10/2014
ISSUED BY THE VILLAGE OFFICER, ARAKKAPADY VILLAGE.**
- EXT.P2: TRUE COPY OF THE BUILDING PERMIT NO.A2-9366/14
DATED 24/11/2014 ISSUED BY THE SECRETARY, VENGOLA GRAMA
PANCHAYAT.**
- EXT.P3: TRUE COPY OF THE BUILDING PERMIT NO.A2-9367/14
DATED 24/11/2014 ISSUED BY THE SECRETARY, VENGOLA GRAMA
PANCHAYAT.**
- EXT.P4: TRUE COPY OF THE ORDER NO.36/SEIAA/ECI/2519/2014
DATED 09/06/2015 ISSUED BY THE STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY.**
- EXT.P5: TRUE COPY OF THE QUARRYING PERMIT DATED 14/09/2015
ISSUED BY THE GEOLOGIST, MINING AND GEOLOGY
DEPARTMENT.**
- EXT.P6: TRUE COPY OF THE NO OBJECTION CERTIFICATE
DATED 01/09/2015 ISSUED BY THE DISTRICT COLLECTOR,
ERNAKULAM WITH ENGLISH TRANSLATION.**
- EXT.P7: TRUE COPY OF THE REPRESENTATION DATED 23/09/2015
SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS
1 TO 3.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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Dated this, the 8th day of October, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking for police protection. It is stated that she has obtained a building permit for construction of a building and necessary environmental clearance has been obtained from the State Environment Impact Assessment Authority for removal of red earth from the property. Ext.P5 is the permit issued by the Mining and Geology department. The District Collector has also issued necessary no objection certificate. The complaint of the petitioner is that respondents 4 to 7 and their men are obstructing removal of red earth from the property and preventing her from constructing the building in terms of the building permit obtained by her.

2. Though notice was issued to respondents 4 to 7, there is no appearance on their behalf.

3. Having regard to the aforesaid factual situation, we

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-:2:-

direct the 1st respondent to ensure maintenance of law and order in the matter of removal of red earth as well as construction of the building by the petitioner and it has to be ensured that the petitioner complies with the directions in the permits issued in her favour.

With the above observation, writ petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

8/10/2015

//True Copy//

PS to Judge