

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 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937

WP(C).No. 31383 of 2015 (W)

PETITIONER :

M/S.AUSTENTIC CASTINGS (P) LTD.,
NO.17, SUFIDAR 9TH STREET, DR. RADHAKRISHNAN SALAI,
MYLAPORE, CHENNAI, REPRESENTED BY A.GNANARAJ,
MANAGER, FINANCE & ACCOUNTS.

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S):

1. THE COMMISSIONER OF POLICE, THIRUVANANTHAPURAM,
OFFICE OF THE COMMISSIONER OFFICE,
CV RAMAN PILLAI ROAD, THYCAUD,
THIRUVANANTHAPURAM-695 034
2. THE INSPECTOR OF POLICE, POONTHURA CIRCLE,
THIRUVANANTHAPURAM DISTRICT-695 026
3. THE SUB INSPECTOR OF POLICE,
VALIYATHURA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT-695 008
4. SANAL, S/O BHANU,
PUSHPA BHAVAN, TITANIUM P.O., KOCHUVELI,
VALIYATHURA, THIRUVANANTHAPURAM-695 021

***ADDL.R5 & R6 IMPEADED**

*ADDL.R5: THANKAMANI RAMACHANDRAN,
PRESIDENT, ACTION COUNCIL, MADAVAPURAM,
TITANIUM.P.O., VELI, THIRUVANANTHAPURAM-695 001

*ADDL.R6: AJEESH.A.M., SECRETARY, ACTION COUNCIL,
MADAVAPURAM, TITANIUM.P.O., VELI,
THIRUVANANTHAPURAM-695 021

*ADDL.R5 & R6 IMPEADED AS PER ORDER DATED 16/10/2015 IN
IA.NO.15167/2015.

R1TO R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE LETTER DT 1/12/2014 ISSUED BY THE BHARAT PETROLEUM CORPORATION
- EXT.P2: TRUE COPY OF THE LETTER DT. 1/12/2014 ISSUED VY THE BHARAT PETROLEUM CORPORATION TO THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.
- EXT.P3: TRUE COPY OF THE REPORT NO. 2089/14 DT. 29/1/2/14 ISSUED BY THE VILLAGE OFFICER, KADAKAMPALLY TO THE TAHASILDAR, THIRUVANANTHAPURAM ALONG WITH ITS ENGLISH TRANSLATION
- EXT.P4: TRUE COPY OF THE LETTER NO. C1/70123/14 DT. 13/12/15 ISSUED BY THE ADDITIONAL TAHASILDAR, THIRUVANANTPURAM TO THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.
- EXT.P5: TRUE COPY OF THE REPORT NO. 13963/M1/14 DT. 09/7/15 OF THE DIRECTOR, MINING AND GEOLOGY DEPARTMENT TO THE PRINCIPAL SECRETARY, INDUSTRIES DEPARTMENT ALNG WITH ITS ENGLISH TRANSLATION
- EXT.P6: TRUE COPY OF THE LETTER NO. 9362/A4/15/ID DT. 21/7/15 ISSUED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, INDUSTRIES DEPARTMENT TO THE DIRECTOR OF MINING AND GEOLOGY, THIRUVANANTHAPURAM.
- EXT.P7: TRUE COPY OF THE LETTER NO. 13963/M1/14 DT. 23/7/15 ISSUED BY THE DIRECTOR OF MINING AND GEOLOGY, THIRUVANANTHAPURAM TO THE GEOLOGIST, DISTRICT OFFICE, THIRUVANANTHAPURAM ALONG WITH ITS ENGLISH TRANSLATION
- EXT.P8: TRUE COPY OF THE RECEIPT OF PAYMENT OF RS. 1,20,000/- ALONG WITH ITS ENGLISH TRANSLATION
- EXT.P9: TRUE COPY OF THE ORDER NO. 271/15-16/3189/D.O.T/ML/2014 DT. 22/9/15 OF THE GEOLOGIST MINING AND GEOLOGY DEPARTMENT, THIRUVANANTHAPURAM ALONG WITH ITS ENGLISH TRANSLATION
- EXT.P10: TRUE COPY OF THE REPRESENTATION DT. 6/10/15 SUBMITTED BY THE PETITONER BEFORE THE 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 31383 of 2015

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Dated this, the 21st day of October, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking for direction to the 3rd respondent to provide adequate protection to the life of their employees from the actions of the 4th respondent and his men.

2. Petitioner has obtained contract from Bharat Petroleum Corporation to remove sand from property situated in Sy.No.2623 of Kadakampally Village in terms of Ext.P9. The contention urged by the petitioner is that 4th respondent is obstructing the activities of the petitioner and therefore, he is unable to comply with the obligations under the agreement. Petitioner had also stated that he had obtained necessary permission from the Mining and Geology Department for removal of the sand, which expires today.

3. During the pendency of this writ petition, respondents

-:2:-

5 and 6 have also been impleaded as additional respondents. Though notice had been served, there is no appearance on their behalf.

4. Having regard to the aforesaid factual situation, we direct the 3rd respondent to ensure maintenance of law and order and also to ensure that no objection is caused by respondents 4 to 6 in the matter relating to compliance of the contract, i.e., removal of sand by the petitioner and their workers, provided the petitioner has requisite licence to remove the sand from the Mining and Geology Department.

Writ petition is disposed of as above.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp
21/10/2015

//True Copy//

PS to Judge