

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WP(C).No. 31648 of 2014 (E)

PETITIONER:

**MERCY, W/O.JOSE,
MALIACKAL HOUSE, S.THANISSERY,
IRANIKULAM.P.O., KAKKULLISSERY VILLAGE,
CHALAKUDY TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE, MALA - 679 534.**
- 2. JOY, S/O.MATHAI, KALAPARAMBATH HOUSE,
PARAPPURAM, SOUTH THANISSERY,
IRANIKKULAM.P.O., THRISSUR DISTRICT - 680 734.**
- 3. JOSE, S/O.PAULOSE, KANDAMKULATHI HOUSE,
PARAPPURAM, SOUTH THANISSERY,
IRANIKKULAM.P.O., THRISSUR DISTRICT - 680 734.**

**R1 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R2 & R3 BY ADV. SRI.FRANCO T.J.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 : TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 10.10.2014.

EXHIBIT P2 : TRUE COPY OF THE NOTIFICATION DATED 30.6.2014 ISSUED BY THE GOVERNMENT.

EXHIBIT P3 : TRUE COPY OF THE ORDER DATED 13.11.2014 WITH ENGLISH TRANSLATION.

EXHIBIT P4 : TRUE COPY OF THE P-FORM ISSUED DATED 23.11.2014.

EXHIBIT P5 : TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 14.11.2014 WITH ENGLISH TRANSLATION.

RESPONDENT'S EXHIBITS:

EXT. R2(A) : PHOTOGRAPH SHOWING THE OLD TILED HOUSE.

EXT. R2(B) : PHOTOGRAPHS OF THE REMNANTS OF THE OLD TILED HOUSE.

EXT. R2(C) : PHOTOGRAPHS OF THE REMNANTS OF THE OLD TILED HOUSE.

EXT. R2(D) : TRUE PHOTOCOPY OF THE COMPLAINT DATED 12.11.2014 SUBMITTED BY THE 2ND RESPONDENT AND OTHER BEFORE THE VILLAGE OFFICER, KAKKULLISSERY ALONG WITH ITS ENGLISH TRANSLATION.

/TRUE COPY/

P.S. TO JUDGE

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ASHOK BHUSHAN, Ag.CJ & A.M.SHAFFIQUE, J.

W.P.(C). No. 31648 of 2014

Dated this the 12th day of January, 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard learned counsel for the petitioner, the learned Government Pleader and the learned counsel for the respondents 2 and 3. By this writ petition, the petitioner has prayed for a direction to the first respondent to provide adequate and effective police protection to the life and property of the petitioner and to the workers and vehicles to perform the work of removal of ordinary earth from the petitioner's own property.

2. The petitioner's case is that, by order dated 13.11.2014, the petitioner was permitted to remove the ordinary earth from her property. There was an old tiled house, which was demolished, those remnants which were accumulated there have also to be removed.

3. Learned counsel for respondents 2 and 3 submits that the permission was to remove the accumulated sand of 250 Cubic Meters. There is no accumulated sand other than the remnants of

demolished house. The removal of sand will affect the lateral support of their property. The petitioner is attempting to accumulate sand from other places. He further submits that the validity period of Ext.P3 has already come to an end.

4. Learned Government Pleader submits that in the event the petitioner's period is extended, for removal of sand, police authority shall render all protection to remove the quantity of sand mentioned in the order.

5. In the facts of the case, since the petitioner has already been permitted to remove 250 Cubic meters sand, Police authority has to render appropriate protection for carrying out the work, provided the petitioners obtain appropriate orders extending the licence in accordance with law.

With this observation, the writ petition is closed.

**ASHOK BHUSHAN,
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE,
JUDGE.**

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