

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 31951 of 2015 (T)

PETITIONER(S) :-

ABOUBEKKER, AGED 48 YEARS
S/O.MEERAN MOIDEEN, PONMANAVADAKKETHIL
ADIKATTUKULANGARA, PALAMEL, NOORNADU
ALAPPUZHA DISTRICT.

BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL

RESPONDENT(S) :-

1. DISTRICT POLICE CHIEF
DISTRICT POLICE CHIEF OFFICE, ALAPPUZHA - 688 577.
2. INSPECTOR OF POLICE
CIRCLE OFFICE, MAVELIKKARA - 688 578.
3. THE SUB INSPECTOR OF POLICE
NOORNADU POLICE STATION, NOORNADU - 688 578.
4. HANEEFA
PONMANAKIZHAKKATHIL, ADIKATTUKULANGARA, PALAMEL
NOORNADU, ALAPPUZHA - 688 577.
5. THAJUDEEN
PONMANAKIZHAKKATHIL, ADIKATTUKULANGARA, PALAMEL
NOORNADU, ALAPPUZHA - 688 577.
6. RAJAN
PONMANAKIZHAKKATHIL, ADIKATTUKULANGARA, PALAMEL
NOORNADU, ALAPPUZHA - 688 577.
7. ANAZ
PONMANAKIZHAKKATHIL, ADIKATTUKULANGARA, PALAMEL
NOORNADU, ALAPPUZHA - 688 577.
8. SULFI
PONMANAKIZHAKKATHIL, ADIKATTUKULANGARA, PALAMEL
NOORNADU, ALAPPUZHA - 688 577.

R1 TO R3 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) .No. 31951 of 2015 (T)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1.TRUE COPY OF THE NO OBJECTION CERTIFICATE IS ISSUED BY
THE PANCHAYATH.

EXT.P2.TRUE COPY OF THE PERMIT ISSUED BY THE GEOLOGIST.

EXT.P2(a).TRUE COPY OF THE TRANSLATION OF EXTP.P2.

EXT.P3.TRUE COPY OF THE COMPLAINT BEFORE THE 3RD RESPONDENT
WITH TRANSLATION.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.31951 of 2015

Dated this the 16th day of November 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking for police protection in the matter of removal of ordinary earth from his property. It is stated that he had obtained necessary permission from the Geologist as per order dated 3.9.2015. As per the said order, the petitioner is permitted to remove 500 metric tons (60 loads) of ordinary earth. According to the petitioner, removal of earth was for the purpose of constructing a building in terms of the building permit issued by the Grama Panchayat. The period of permit for removal of ordinary earth expired on 15.9.2015.

2. Learned counsel for the petitioner submits that the permit has been extended for the period from 16.11.2015 to 30.11.2015, as per Ext.P4.

3. Though notice was served on respondents 4 to 8, there is no appearance on their behalf.

4. According to the petitioner, when attempts were made to remove the ordinary earth, the same was obstructed by respondents 4 to 8 and their men. Though a complaint was filed

-: 2 :-

before the police, no action has been taken in the matter and hence, he has approached this Court.

Having regard to the factual circumstances involved in the matter and since the petitioner is in possession of valid permit for removal of ordinary earth, we allow the writ petition, directing the 3rd respondent to ensure that no obstruction is being caused by respondents 4 to 8 or their men in the petitioner removing ordinary earth in terms of the permit issued at Ext.P4.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE