

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C). No.35569 of 2015 (U)

PETITIONER(S):

**CHANDRAN AGED 55 YEARS
S/O.MADHAVAN, ALUNGAL HOUSE, (ENALITHANDEL)
MANARI P.O., PAYIPRA, MUVATTUPUZHA
ERNAKULAM. PIN - 686 673.**

**BY ADVS.SRI.PAUL K.VARGHESE
SMT.A.A.GEETHA**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY, (HOME DEPARTMENT),
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
PUTHENCROUZ POLICE STATION, PUTHENCROUZ,
ERNAKULAM. PIN : 682 308.**
- 3. THE SUB INSPECTOR OF POLICE,
PUTHENCROUZ POLICE STATION, PUTHENCROUZ,
ERNAKULAMPIN - 682 308.**
- 4. NIBU PAUL, AGED 33 YEARS,
S/O.PAUL, CHERUVIL PUTHENPURAYIL HOUSE,
KINGINIMATTOM P.O., KINGINIMATTOM, KOLENCHERY,
PIN - 682 311.**
- 5. KUNJAPPAN
S/O.KODIYAN, CHOLALKUZHIYIL HOUSE, KINGINIMATTOM P.O.,
KINGINIMATTOM, KALADY, ERNAKULAM. PIN - 682 311.**

R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAM KUMAR

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

APPENDIX

PETITIONER(S)' EXHIBITS:-

EXT.P-1: A TRUE COPY OF THE PERMISSION NO.80/15-16/MM/LBS/CRPS/DOE/4045/E2/15 ISSUED FROM MINING AND GEOLOGY DEPARTMENT DATED 4.11.2015.

EXT.P-2: A TRUE COPY OF THE RECEIPT ISSUED BY THE MINING AND GEOLOGY DEPARTMENT FOR LICENSE FEE OF RS.1000/- DATED 22.9.2015.

EXT.P-3: A TRUE COPY OF THE FEE RECEIPT FOR ROYALTY 75020/- ISSUED BY THE MINING AND GEOLOGY DEPARTMENT TO THE PETITIONER DATED 2.11.2015.

EXT.P-4: A TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 11.11.2015.

EXT.P-4(A): ENGLISH TRANSLATION OF EXHIBIT P4.

EXT.P-5: THE RECEIPT SHOWING ACKNOWLEDGEMENT OF THE PETITION.

RESPONDENT(S)' EXHIBITS:=-NIL

KRJ

//TRUE COPY//

P.A TO JUDGE

ASHOK BHUSHAN, C.J

&

A.M.SHAFFIQUE, J.

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W.P(C) No.35569 of 2015

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Dated this the 1st day of December, 2015

JUDGMENT

Shaffique, J

The petitioner has approached this Court seeking police protection alleging obstruction caused by respondents 4 and 5 in the matter relating to extraction and removal of laterite stones in the property having an extent of 9.71 Ares in Sy. No.110/7 of Ikkaranadu South Village, Kunnathunadu. According to the petitioner, he has obtained permit in terms of Ext.P1 and necessary fee in that regard has been paid to the competent authority. Respondents 4 and 5, however, are creating obstruction in the activity being carried on in the property and are demanding huge amount from the petitioner. Petitioner preferred a complaint before police seeking for necessary police protection and since no action has been taken in the matter, this writ petition is filed.

2. Though notice was served on respondents 4 and 5, there is no appearance on their behalf.

3. Having regard to the aforesaid factual situation, we are of the view that if there is obstruction from respondents 4 and 5, police will have to interfere and provide necessary protection to the petitioner. Accordingly, the writ petition is allowed as under:

Third respondent shall ensure that law and order is maintained in the matter relating to the work carried on by the petitioner in his aforesaid property and shall also ensure that no obstruction is caused by respondents 4 and 5.

sd/-

**ASHOK BHUSHAN
CHIEF JUSTICE**

sd/-

**A.M.SHAFFIQUE
JUDGE**

krj