

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN**

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 36779 of 2015 (V)

PETITIONER(S):

**ASWATHI GRANITES PRIVATE LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR,
SUDHEER SUKUMARAN, S/O.P.SUKUMARAN, MURINJAKAL P.O.,
KODAL, PATHANAMTHITTA- 689 693.**

**BY ADVS.SRI.S.MUHAMMED HANEEFF
SRI.R.KRISHNAKUMAR (CHERTHALA)**

RESPONDENT(S) :

- 1. SUB INSPECTOR OF POLICE, KODAL POLICE STATION,
KODAL, PATHANAMTHITTA - 689 693.**
- 2. CIRCLE INSPECTOR OF POLICE,
KONNI, PATHANAMTHITTA - 689 648.**
- 3. DEPUTY SUPERINTENDENT OF POLICE,
ADOOR, PATHANAMTHITTA - 689 648.**
- 4. DISTRICT POLICE CHIEF,
PATHANAMTHITTA DISTRICT, PATHANAMTHITTA - 689 647.**
- 5. HEAD LOAD WORKERS UNION (C.I.T.U),
REPRESENTED BY ITS CONVENER, S.ACHUTHAN NAIR,
KALANJOOR, PATHANAMTHITTA - 689 694.**
- 6. HEAD LOAD WORKERS UNION (A.I.T.U.C),
REPRESENTED BY ITS CONVENER, DASAN, KALANJOOR.
PATHANAMTHITTA - 689 694.**
- 7. HEAD LOAD WORKERS UNION (B.M.S),
REPRESENTED BY ITS CONVENER, SURENDRAN, KALANJOOR,
PATHANAMTHITTA - 689 694.**
- 8. HEAD LOAD WORKERS UNION (CITU),
REPRESENTED BY ITS CONVENER SHAJI, KODAL,
PATHANAMTHITTA - 689 693.**

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**9. HEAD LOAD WORKERS UNION (I.N.T.U.C (I)),
REPRESENTED BY ITS CONVENER, RAJAN, KODAL,
PATHANAMTHITTA - 689 693.**

**R1 TO R4 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R5 TO R9 BY ADVS. SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: A TRUE COPY OF THE E.C NO.54 ISSUED ON 10/08/2015 BY THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, KERALA.**
- P2: A TRUE COPY OF THE PERMISSION GRANTED BY THE DEPARTMENT OF MINING AND GEOLOGY, DISTRICT OFFICE, PATHANAMTHITTA FROM AN AREA OF 56.85 ARE IN SY. NO. 111/3 AND FROM.**
- P3: A TRUE COPY OF THE PERMISSION GRANTED BY THE DEPARTMENT OF MINING AND GEOLOGY, DISTRICT OFFICE, PATHANAMTHITTA FROM AN AREA OF 34.8 ARE IN SY. NO. 111/4 OF KODAL VILLAGE.**
- P4: A TRUE COPY OF THE CONSENT NO. QCO/PTA/146/R2/2015 ISSUED ON 15/06/2015 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, PATHANAMTHITTA.**
- P5: A TRUE COPY OF THE CONSENT NO. QCU/PTA/162/R1/2015 ISSUED ON 15/06/2015 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, PATHANAMTHITTA.**
- P6: A TRUE COPY OF THE PERMISSION OF THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES DATED 01/05/2015.**
- P7: A TRUE COPY OF THE MINING MATES CERTIFICATE ISSUED TO SREEKUMARAN THAMPI.**
- P8: A TRUE COPY OF THE LICENCE NO. A9-150/2015-16 DATED 24/06/2015 ISSUED BY KALANJOOR GRAMA PANCHAYATH ALONG WITH ITS ENGLISH TRANSLATION.**
- P9: TRUE COPY OF THE LICENCE NO. A9-149/2015-16 DATED 24/06/2015 ISSUED BY KALANJOOR GRAMA PANCHAYATH ALONG WITH ENGLISH TRANSLATION.**
- P10: TRUE COPY OF THE LAST COMPLAINT FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH ENGLISH TRANSLATION.**

RESPONDENT(S)' EXHIBITS :

- EXT.R5(A): TRUE COPY OF THE NOTICE DATED 09.12.2015 ISSUED BY THE DLO, PATHANAMTHITTA WITH ENGLISH TRANSLATION.**
- EXT.R5(B): TRUE COPY OF THE G.O(P)NO.98/2014/LBR DATED 21.08.2014.**

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ASHOK BHUSHAN, CJ & K. RAMAKRISHNAN., J

W.P(C). No. 36779 of 2015

Dated this the 16th day of December, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the petitioner, learned counsel appearing for respondents 5 to 9 and learned Government Pleader.

2. This writ petition has been filed by the writ petitioner seeking a direction to provide police protection to the petitioner's quarry unit for loading and unloading operations using machineries of petitioner's choice without any obstruction from respondents 5 to 9. Petitioner's case is that the petitioner has obtained environmental clearance and all other permission for running the quarrying unit by Exhibits P1 to P9. But obstruction is created by respondents 5 to 9. It is submitted that the petitioner is loading the excavated materials using the machineries. Learned counsel for the appellant submits that petitioner is ready to engage members of respondents 5 to 9, provided they agree to carry on the work by wages fixed by the

District Labour Officer.

3. Learned counsel for respondents 5 to 9 submits that the matter is already pending for conciliation proceedings before the District Labour Officer.

4. Be that as it may, the petitioner undertakes that the petitioner shall engage respondents 5 to 9 on the rates fixed by the District Labour Officer. We are of the view that the writ petition deserves to be disposed of with a direction to respondent No.1 to provide adequate protection to the petitioner for carrying out the loading and unloading work by machineries as well as to ensure that no obstruction is created by respondents 5 to 9, in the event the petitioner engages them on the rates fixed by the District Labour Officer.

The writ petition is disposed of accordingly.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE

Sd/-
K. RAMAKRISHNAN
JUDGE