

(2011) 03 KL CK 0177

In the High Court Of Kerala

Case No : Writ Petition (C) No. 14103 of 2010 (K)

Boby Austine

APPELLANT

Vs

The Superintendent of Police and Others

RESPONDENT

Date of Decision : 18-03-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 03 KL CK 0177

Hon'ble Judges : R. Basant, J;K. Surendra Mohan, J

Bench : Division Bench

Advocate : K.S.Hariharaputhran, for the Appellant; Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

R. Basant, J.—This writ petition is filed by the Petitioner, the owner of a Piggery Unit seeking issue of directions to Respondents 1 to 4 under Article 226 of the Constitution to afford police protection to the Petitioner for his activity of carrying food to the Piggery through a colony in which Respondents 5 to 7 are the residents.

2. According to the Petitioner, he runs the piggery. Food has got to be brought for pigs through the road which runs through a colony. Respondents 5 to 7 and others are residents of that colony. Respondents 5 to 7 and others are raising illegal obstructions and objection to the carrying of food to the piggery through that road. They are not justified in raising such an objection. It is in these circumstances that this petition is filed by the Petitioner.

3. When this matter came up for hearing on 25.5.2010, the following interim order was passed by the Court. That order was passed by the court after securing the report from District wpc 14103/2010 Medical Officer, Palakkad. The order reads as follows:

We take note of the report submitted by the District Medical officer, Palakkad.

There will be an interim order directing Respondents 1 to 4 to afford police protection to the Petitioner and his staff members for transporting the food waste to the farm in vehicles owned and hired by the Petitioner provided the Petitioner transports the waste food to the piggery in vehicles which are covered completely on four sides and the waste should be transported in separate containers. We take note of the submission of the learned Counsel for the Petitioner that the Petitioner will take effective remedial measures in regard to the pig farm itself. The interim order will continue for ten days.

4. It is seen that this order passed on 25.5.2010 has not further been extended at all. There was no posting of the case after 25.5.2010 and today the matter has come up as the same is listed for disposal by the registry.

5. The learned Counsel for the Respondents submits that wpc 14103/2010 subsequently, there has been no problem and it is not necessary to issue any directions under Article 226 now. The learned Counsel for the Petitioner submits that though interim order has not been extended, in compliance with the interim orders, waste food to the piggery was being transported in vehicles. According to the learned Government Pleader, there is absolutely no necessity to issue any directions now as it is conceded that after 25.5.2010, there is no disputes or conflicts between the parties. Interim order dated 25.5.2010 extracted above was in force only for ten days. Thereafter without any problem, things have been working, it is evident.

6. We are satisfied in these circumstances that no further directions are necessary in this writ petition. This writ petition is accordingly dismissed.