

(2022) 11 KL CK 0164

In the High Court Of Kerala

Case No : Writ Petition (C) No. 34804 Of 2022

M/s. Brothers Quarry

APPELLANT

Vs

District Police Chief Thiruvananthapuram (Rural),
Thiruvananthapuram , Pin 695033

RESPONDENT

Date of Decision : 14-11-2022

Acts Referred:

Citation : (2022) 11 KL CK 0164

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

Advocate : Enoch David Simon Joel, S.Sreedev, Leo Lukose, Rony Jose, Cimil Cherian Kottalil, T.K.Shajahan

Final Decision : Allowed

Judgement

P.V.Kunhikrishnan, J.

1. The above writ petition is filed with following prayers:

"i. Issue a writ of mandamus or other appropriate writ, order or direction, directing Respondents 1 and 2 to afford adequate and effective police protection for the life of the staff and workers of the Petitioner and for carrying out the preliminary works for establishing a quarrying unit at Petitioner's property and also to prevent any obstruction from being caused to the ingress and egress to the property by Respondents 3 and 4 and their henchmen or anybody acting under them.

ii. Issue such other appropriate writ order or direction that may be deemed to be just and equitable in the facts and circumstances of the case.

iii. Issue such other appropriate order or direction dispensing with the filing of English translation of the vernacular documents produced along with the writ petition." (sic)

2. The petitioner seeks police protection for the life and for carrying out the

preliminary works for establishing a quarrying unit at the petitioner's property without interference of respondents 3 and 4. Exts.P1 to P1(c) are the necessary permits obtained by the petitioner for establishing the quarrying unit.

3. When this writ petition came up for consideration, this Court issued notice to respondents 3 and 4. There is no appearance for respondents 3 and 4. In such circumstances, this Court passed an interim order on 07.11.2022. The same is extracted hereunder:

"Heard the learned counsel for the petitioner and the learned Government Pleader. Though notice was taken out to respondents 3 and 4, there is no appearance for the said respondents today.

In the above view of the matter, there will be an interim direction to the Station House Officer to afford adequate protection to the petitioner and his workers in case of any illegal obstruction to the preliminary works in the petitioner's property by respondents 3 and 4 or anybody claiming through them.

Post on 14.11.2022."

4. Heard the counsel for the petitioner and the Government Pleader. No notice is necessary to the Panchayat because there is no dispute regarding the fact that the petitioner is having permit to establish the quarry.

5. The counsel for the petitioner reiterated the contentions raised in this writ petition. The counsel also submitted that the obstruction created by respondents 3 and 4 for the free ingress and egress to the property of the petitioner also may be restrained. The Government Pleader submitted that if there is any law and order problem, the police will do the needful in accordance to law.

6. After hearing the petitioner and the Government Pleader, I think the interim order already granted by this Court can be made absolute and there can be a direction to the police to see that there is no obstruction from respondents 3 and 4 for free ingress and egress to the property of the petitioner for establishing the quarry unit if there is required permits from statutory authorities.

Therefore, this writ petition is disposed of in the following manner:

1. The interim order dated 07.11.2022 is made absolute.
2. There will be a direction to the 2nd respondent to see that there is no obstruction from respondents 3 and 4 for the free ingress and egress of the petitioner's property.