

(2023) 11 KL CK 0139

In the High Court Of Kerala

Case No : Writ Petition (C) No. 38418 Of 2023

Nirmal Jyothi Private Special Trust

APPELLANT

Vs

District Collector Civil Station, Pathanamthitta, Pin 689645

RESPONDENT

Date of Decision : 27-11-2023

Acts Referred:

Citation : (2023) 11 KL CK 0139

Hon'ble Judges : Basant Balaji, J

Bench : Single Bench

Advocate : C.S.Manilal, B.Rajesh, Sreejith V.S

Final Decision : Disposed Of

Judgement

Basant Balaji, J

1. The petitioner has approached this Court for the following reliefs:-

(1) Issue a writ of Mandamus or any other appropriate writ order or direction directing the respondents 3 to 5 to grant adequate and effective police protection to the activities permitted by Ext.P2 and P3 orders and also to the workers engaged for the removal of red earth from the premises of the petitioner's property by mechanized device without any let or hindrance from respondents 6 to 10 and their men, agents or servants.

(ii) Issue a writ of Mandamus or any other appropriate writ, order or direction, directing the 4th respondent to see that police protection is enabled based on Ext.P4 request.

(iii) Grant such other reliefs as Hon'ble Court may deem fit and proper in the Interests of justice.

(iv) Petitioner may be permitted to dispense with the filing of translation of the vermacular documents.

(v) Grant such other reliefs as this Hon'ble Court may deem fit and Interests of

Justice.

2. The petitioner, a Private Special Trust, established a public school and junior college in the year 2016. At the time of construction of the building, the soil was excavated and therefore on the eastern side and a little portion on the south side, there exist a huge ridge. The ridge has now become a potential danger to the school building and threat to the students and teacher and therefore, the petitioner approached the 1st respondent. Ext.P2 is the order passed by the 1st respondent as Chairperson of the District Disaster Management Committee. Thereafter they obtained Ext.P3 order from the 2nd respondent Geologist for removing the red earth and passes were already issued.

3. The grievance of the petitioner is that, respondents 6 to 10 are obstructing the petitioner to removing red earth as per Ext.P2 and P3.

4. The counsel for the contesting respondents submit before this Court that they have no intention to obstruct the petitioner from removing the earth which is sought to removed as per Ext.P2 and P3. The submission is recorded.

5. The government pleader, on instructions, submits that sufficient protection will be given to the petitioner if there is any threat from the respondents 6-10.

Therefore, this writ petition is disposed of recording the submission of the counsel for respondents 6 to 10 that they do not intend to obstruct the petitioner from removing the red earth. In case, if there is any obstruction from the respondents, the 5th respondent is directed to afford adequate protection.