

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH.P.

TUESDAY, THE 12TH DAY OF MAY, 2020/22ND VAISAKHA, 1942

W.P(C) NO. 9825 OF 2020

PETITIONER :

IMMANUEL CRUSHERS & MINES (P) LTD,
34/316, PIPE LINE ROAD,
PADIVATTOM, EDAPPALLY P.O.,
ERNAKULAM- 682024.
REPRESENTED BY ITS DIRECTOR SRI. TOMY JOSEPH.

BY ADVS.

SRI. ENOCH DAVID SIMON JOEL
SRI. RONY JOSE
SRI. GEORGE A. CHERIAN
SRI. LEO LUKOSE

RESPONDENTS:

1. DISTRICT POLICE CHIEF,
PUDUPALLI THERUVU, NURANI,
PALAKKAD-678001.
2. DEPUTY SUPERINTENDENT OF POLICE,
COURT ROAD, ALATHUR,
PALAKKAD-678541.
3. INSPECTOR OF POLICE,
KUZHALMANNAM POLICE STATION,
CHANDAPURA, KUZHALMANNAM,
PALAKKAD-678702.
4. MUSTHAFI,
S/O. KHADER, KOOTTAPURA HOUSE,
THODUKKADU, VAAVULLYAPURAM P.O,
PALAKKAD-678543.
5. SHAFEEK,
S/O. ALI AHMED, THEENODU HOUSE,
THODUKKADU, VAAVULLYAPURAM P.O,
PALAKKAD-678543.

6. MUHAMMED GHANI,
S/O. ABDUL HAMEED,
KADAMAN CHOLA HOUSE,
THODUKKADU, VAAVULLYAPURAM P.O,
PALAKKAD-678543.

BY SMT.VINITHA B, GOVERNMENT PLEADER

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON
12.05.2020, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

This writ petition is filed seeking police protection to enable the petitioner to carry on his business without any sort of interference or obstruction at the instance of respondents 4 to 6 or anyone acting at their behest.

2. Today when the matter is taken up for consideration, the learned Government Pleader refers to the statement filed on behalf of the third respondent and submits that initially the petitioner was not in possession of certain statutory clearances, as a result of which the respondents 4 to 6 and others had obstructed to the functioning of the quarry.

3. The learned counsel appearing for the petitioner would submit that the petitioner is now in possession of every requisite permission as required under law and this is not disputed by the learned Government Pleader appearing for respondents 1 to 3. The learned Government Pleader states that the third respondent had called the petitioner's representative and respondents 3 to 6 to the police station and had

attempted reconciliation amongst them.

4. The learned Government Pleader also submits that at present there is no law and order situation and there is no requirement in issuing any further directions in this matter.

5. The learned counsel for the petitioner would point out that the third respondent has through his statement confirmed that he will extend necessary protection to ensure that the law and order is maintained if any situation arises in the future. This statement is recorded and the writ petition stands disposed of.

GOPINATH P
JUDGE

SMA

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: TRUE COPY OF THE QUARRYING LEASE DATED
23.06.2017 VALID TILL 22.06.2027 ISSUED TO
THE PETITIONER.

EXHIBIT P1(A): TRUE COPY OF THE CONSENT TO OPERATE THE
QUARRY ISSUED BY THE POLLUTION CONTROL
BOARD VALID TILL 30.03.2022.

EXHIBIT P1(B): TRUE COPY OF THE CONSENT TO OPERATE THE
CRUSHER UNIT VALID TILL 31.01.2024.

EXHIBIT P1(C): TRUE COPY OF THE D&O LICENSE FOR THE
PERIOD 2019-20 ISSUED BY THE KUTHANUR
GRAMA PANCHAYAT FOR OPERATING THE QUARRY.

EXHIBIT P1(D): TRUE COPY OF THE D&O LICENSE FOR THE
PERIOD 2019-20 ISSUED BY THE KUTHANUR
GRAMA PANCHAYAT FOR OPERATING THE CRUSHER
UNIT.

EXHIBIT P1(E): TRUE COPY OF THE ENVIRONMENTAL CLEARANCE
CERTIFICATE DATED 31.03.2017 VALID TILL
30.03.2022 ISSUED BY THE SEIAA.

EXHIBIT P2: TRUE COPY OF THE REPRESENTATION DTD.
06.05.2020 (WRONGLY SHOWN AS 09.03.2020)
SUBMITTED BY THE PETITIONER BEFORE THE 2ND
RESPONDENT SEEKING POLICE PROTECTION.

EXHIBIT P2(A): TRUE COPY OF ACKNOWLEDGMENT RECEIPT
ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE REPRESENTATION DTD.
06.05.2020 (WRONGLY SHOWN AS 09.03.2020)
SUBMITTED BY THE PETITIONER BEFORE THE 3RD
RESPONDENT SEEKING POLICE PROTECTION.

EXHIBIT P3(A): TRUE COPY OF ACKNOWLEDGMENT
RECEIPT ISSUED BY THE 3RD RESPONDENT.