

M.Abbas Vs. District Superintendent of Police (Rural)

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SooperKanoon Citation : sooperkanoon.com/1137034

Court : Kerala

Decided On : Apr-03-2014

Judge : Hon'Ble the Chief Justice Dr. Manjula Chellur

Appellant : M.Abbas

Respondent : District Superintendent of Police (Rural)

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HON'BLE THE CHIEF JUSTICE DR. MANJULA CHELLUR & THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE THURSDAY, THE 3D DAY OF APRIL 2014 13TH CHAITHRA, 1936 WP(C).No. 5366 of 2014 (U) ----- PETITIONER : ----- M.ABBAS,S/O.MEERA SAHIB, AGED 58 YEARS, A.R.VILLA, SIDE WALL, MANACADU.P.O., CHITTARA, KOLLAM-691 559. BY ADVS.SRI.V.N.GOPALAKRISHNAN NAIR SRI.A.CHANDRA BABU SRI.G.VARUN SRI.G.ARUN RESPONDENT(S): ----- 1. DISTRICT SUPERINTENDENT OF POLICE (RURAL), KOTTARAKKARA, KOLLAM-691 506 2. THE SUB INSPECTOR OF POLICE, KADAKKAL-691 536 3. INTUC, HEADLOADING DIVISION, MANKODU VILLAGE, KOTTARAKARA TALUK, REPRESENTED BY ITS CONVENER MR.SURESH, AGED 47 YEARS, S/O.JANARDANAN, SIDE WALL, MANKODU.P.O., KOTTARAKARA, KOLLAM-691 559 4. CITU, LOADING DIVISION, MANKODU VILLAGE, KOTTARAKARA TALUK, REPRESENTED BY ITS CONVENER KRISHNA PILLA, AGED 48 YEARS, S/O.RAGAVAN PILLAI, POURNAMI, KIZHAKUMBHAGAM, CHITHARA.P.O.,

KOTTARAKARA, KOLLAM-691 559 5. HEADLOAD WORKERS, CHITHARA VILLAGE COMMITTEE, AFFILIATED TO INDIAN NATIONAL TRADE UNION CONGRESS(INTUC), REPRESENTED BY ITS PRESIDENT, A.A.LATHEEF,RASIYA MANZIL, MANCODE.P.O.,-691 559 6. HEADLOAD WORKERS, CHITHARA VILLAGE COMMITTEE, AFFILIATED TO ALL INDIA TRADE UNION CONGRESS (AITUC), REPRESENTED BY ITS SECRETARY KANNANDOTT SUDHAKARAN, THIRUVATHIRAYIL HOUSE, CHITHARA-691 559. R1 & R2 BY SPL.GOVERNMENT PLEADER SRI.SUJITH MATHEW JOSE R3 BY ADV. SRI.ALEXANDER GEORGE THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON0304-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: sts WP(C)NO.5366/2014 APPENDIX PETITIONER'S EXHIBITS: P1 COPY OF THE PANCHAYATH LICENCE NO.A2-63/2538/13 DATED204/2013 ISSUED BY THE CHITHARA GRAMA PANCHAYATH FOR THE OPERATION OF QUARRY IN71CENTS OF LAND COMPRISED IN SURVEY NO.83/29, 83/31 AND8333, VALID UPTO3103/2014 P1(A) COPY OF THE PANCHAYAT LICENCE NO.A2-231/6469/13 ISSUED BY THE CHITHARA GRAMA PANCHAYATH FOR OPERATION OF QUERY IN226 HECTORS OF LAND COMPRISED IN SURVEY NO.69/1 OF CHITHARA VILLAGE AND WHICH IS VALID UP TO3103/2014 P2 COPY OF THE EXPLOSIVE LICENCE NO.E/SC/KL/22/1023(E46820) DATED0811/2012 ISSUED BY THE CONTROLLER OF EXPLOSIVES, CHENNAI, VALID UP TO3103/2014 P3 COPY OF THE QUARRYING PERMIT NO.110/2012 13/DOQ/GBS/52/518/2013 DATED1202/2013, ISSUED BY MINING AND GEOLOGY DEPARTMENT P3(A) COPY OF THE QUARRYING PERMIT NO.B223914 DATED2201/14 ISSUED BY THE TAHASILDAR OF KOTTARAKARA P3A(1) COPY OF THE ENGLISH TRANSLATION MALAYALAM EXHIBIT-P3 P4 COPY OF THE NO OBJECTION CERTIFICATE NO.PCB/KO/CTO/G/114/2013 DATED1704/2013 OF KERALA STATE POLLUTION BOARD P4(A) COPY OF THE CERTIFICATE NO.PCB/KO/CTO/G/568/09 DATED3009/2013, VALID UP TO3108/2014 ISSUED BY KERALA STATE POLLUTION CONTROL BOARD P5 COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE2D RESPONDENT P5(A) COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P5 P6 COPY OF THE

JUDGMENT

IN WP(C)NO.23414/2011 DATED0509/2011 BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM. RESPONDENT'S EXHIBITS: NIL /TRUE COPY/ P.A.TO.JUDGE sts Manjula Chellur, C.J.

& A.M. Shaffique, J.

----- W.P.(C) No. 5366 OF2014-----
----- Dated this the 3rd day of April, 2014

JUDGMENT

Shaffique, J.

Petitioner is running a quarry unit in Chithara Grama Panchayat. According to him, he has obtained all necessary licences/permissions from competent authorities.

2. The complaint of the petitioner is that party respondents 3 to 6, trade union leaders in the locality, are demanding 'nokku coolie' for the purpose of enabling the petitioner to carry on the work in the said quarry. According to the petitioner, for loading and unloading of quarry metals from the site of the petitioner, party respondents are demanding some amount and if that amount is not paid, they will not permit the petitioner to function the quarry. Petitioner has filed a complaint before the Police, but no action has been taken in the matter, therefore he is before this Court. We have issued notice to party respondents, but there is no appearance.

3. Learned Government Pleader on instructions would submit that the party respondents are trade union leaders and they are obstructing the functioning of the quarry. WP(C) No. 5366 of 2014 -:2:- 4. Hence we are of the view that this Writ Petition can be disposed of as follows: There will be a direction to the Police to ensure law and order situation and see that no obstruction is caused by party respondents 3 to 6 against the functioning of the unit of the petitioner. Manjula Chellur, Chief Justice. A.M. Shaffique, Judge. ttb/03/04