

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 27TH DAY OF DECEMBER 2013/6TH POUSHA, 1935

WP(C).No. 30875 of 2013 (H)

PETITIONER(S):

- 1. P.V. BALAN AGED 55 YEARS
S/O. K.VELU, PERASHANNUR, KUTTI PURAM VILLAGE
TIRUR TALUK, MALAPPURAM DISTRICT, PIN-679571
PRESENTLY RESIDING AT B-39, NANAKPURA
SOUTH MOTI BAGH-2, NEW DELHI-110021
REPRESENTED BY HIS POWER OF ATTORNEY BIBI S.KAIMAL.**
- 2. BIBI S.KAIMAL AGED 41 YEARS
S/O. N.S.KAIMAL, "ANNAPOORNA", KAIKKAT THURUTH
KOTHAD P.O., KADAMAKKUDY VILLAGE, KANAYANNUR TALUK
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN**

RESPONDENT(S):

- 1. THE CIRCLE INSPECTOR OF POLICE
HILL PALACE, THRI PUNITHURA, PIN-682301.**
- 2. SUB INSPECTOR OF POLICE
HILL PALACE, THRI PUNITHURA, PIN-682301.**

BY GOVERNMENT PLEADER SRI.A.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-12-2013,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 30875 of 2013 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1:-TRUE COPY OF THE REGISTERED SALE DEED NO 436/2013 DTD 11/2/2013 OF
SRO THRIPIHURA**

P2:-TRUE COPY OF BASIC TAX RECEIPT DTD 27/3/2013

**P3:-TRUE COPY OF THE BUILDING PERMIT DTD 13/11/2013 ISSUED BY THE
THRIPIHURA MUNICIPALITY**

**P4:-TRUE COPY OF THE PLAN APPROVED BY THE THRIPIHURA MUNICIPALITY
PERTAINING TO PERMIT NO PWH-BA-429/13-14**

P5:-TRUE COPY OF THE CIRCULAR NO 4/2012 ISSUED BY THE STATE POLICE CHIEF

RESPONDENT(S)' EXHIBITS NIL

//True Copy//

PA TO JUDGE

Rp

ANTONY DOMINIC & A.M.SHAFFIQUE, JJ.
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W.P.(C) No. 30875 OF 2013
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Dated this the 27th day of December, 2013

J U D G M E N T

Antony Dominic, J.

The first petitioner claims to be the owner of the property covered by Ext.P1 title deed and the second petitioner is stated to be the person, who is looking after the property, on behalf of the first petitioner.

2. In this writ petition, what is complained of by them is that the respondents have prevented them from completing the construction of a compound wall around the property. It is stated that such a prohibitory direction has been issued despite the fact that the work was started after completing all legal formalities and that too in the absence of any civil dispute between any one.

3. On the filing of the writ petition, learned Government Pleader was directed to obtain instructions in the matter. Accordingly instructions have been obtained and it is stated by the learned Government Pleader that respondents have not prevented the petitioners from continuing the construction activities of the compound wall.

4. As already stated, what led the petitioners to file this writ petition is the allegation made by them that the respondents have prevented them from completing construction of the compound wall around the property covered by Ext.P1. This allegation has been denied by the learned Government Pleader who has obtained instructions in the matter.

In view of the above, this writ petition is closed recording the submission of the learned Government Pleader to the above effect and directing that the petitioners will be at liberty to continue the construction of the compound wall subject to complying with the statutory formalities in that behalf.

Sd/-
ANTONY DOMINIC,
JUDGE

Sd/-
A.M.SHAFFIQUE,
JUDGE

Rp

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PA TO JUDGE