

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYASHTA, 1937

WP(C).No. 1443 of 2015 (E)

PETITIONER :

MATHEW VADASSERY,
S/O VADASSERYVEETIL MATHEW, MELUR VILLAGE
MELUR DESOM, CHALAKKUDI, TRICHUR DISTRICT.

BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH

RESPONDENTS :

1. THE SUB INSPECTOR OF POLICE
KORATTY POLICE STATION, TRICHUR-680308.
2. THE SUPERINTENDENT OF POLICE, TRICHUR-680001.
3. VARGHESE, AGED 50 YEARS,
S/O MELEDAN VEETIL KURIAKKU MELOOR VILLAGE
MELOOR DESOM, CHALAKKUDY, TRICHUR-680307.
4. JOSHI, AGED 40 YEARS
S/O NELLIKULAM VEETIL PIYUS, MELOOR VILLAGE
MELOOR DESOM, CHALAKKUDY, TRICHUR-680307.
5. JOSE, AGED 65 YEARS
S/O KACHARAKKAL VEETIL VARKEY, MELOOR VILLAGE
MELOOR DESOM, CHALAKKUDY, TRICHUR-680307
6. THOMAS, AGED 42 YEARS
S/O KIZHAKKINAYADATH VEETIL OUSEPH, MELOOR VILLAGE
MELOOR DESOM, CHALAKKUDY, TRICHUR-680307.

R1 & R2 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.
R3 TO R6 BY ADV. SRI.T.N.MANOJ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 1443 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE INJUNCTION ORDER IN OS NO.443/2014 PASSED
BY THE MUNSIF COURT, CHALAKUDI DATED 7.5.2014.

EXHIBIT P2: TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE
1ST RESPONDENT DATED 5.1.2015.

EXHIBIT P3: TRUE COPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT
DATED 6.1.2015.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.1443 of 2015

Dated this the 18th day of June 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard the learned counsel for the petitioner, the learned Government Pleader as well as the learned counsel appearing for the private respondents.

2. By this writ petition, the petitioner is seeking for police protection against the alleged obstruction caused by the private respondents for fixing roofing sheets on the terrace of the house No.2/263 in Meloor Panchayat. Petitioner's case is that he is only changing the existing sheets, which does not require any permission from the Panchayat.

3. The said submission is opposed by the learned counsel for the private respondents. Learned counsel submits that there is already an order of the civil court dated 7.5.2014 in I.A.No.1707 of 2014 restraining the petitioner from making any construction in 'B' schedule property violating the provisions of Building Rules. It is submitted that even for changing the sheets, permission is required from the Panchayat.

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4. Learned counsel for the petitioner disputing the above submission submits that for changing the sheets, no permission is required.

5. In view of the fact that the civil court has already taken cognizance in the matter, we are of the view that, appropriate remedy available to the petitioner is to obtain clarification/modification of the order dated 7.5.2014 or obtaining permission from the Panchayat for doing the work. We only observe that in any event, if the petitioner obtains any such permission from the authorities, the police authorities will render adequate protection to the petitioner to do the work.

This writ petition is disposed of as above.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE