

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 1522 of 2015 (M)

PETITIONER(S) :

AZEEZ AGED 44 YEARS
S/O.KUNJABDULLAH, KOYILOTHUKANDI, CHERIYAKUMBALAM
PALERI, KOYILANDI, KOZHIKODE.

BY ADV. SRI.P.SHANES METHAR

RESPONDENT(S) :

1. THE DISTRICT POLICE CHIEF
KOZHIKODE, 6730001.

2. THE STATION HOUSE OFFICER
PERAMBRA POLICE STATION, PERAMBRA,
KOZHIKODE-673525.

3. THE PERAMBRA GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY, PERAMBRA P.O.,
PERAMBRA, KOZHIKODE-673525.

4. SREEJITH, AGED 39 YEARS
S/O.GOPALAKRISHNA KURUP, MANIKOTHU, MENJANYAM
MARUTHERI, PERAMBRA, KOZHIKODE
673525.

5. SREENIVASAN, AGED 38 YEARS
S/O.DHAMODARAN, KUNNUMAL, ERAVATTOOR
KOYILANDI, KOZHIKODE, 673305.

6. MOOSA, AGED 55 YEARS
S/O.AHAMADKUTTY, RAVARATHUKANDI, CHENNOLI
NOCHADU, KOZHIKODE, 673001.

R1 -R2 BY ADV. STATE ATTORNEY SRI. K. VIJAYARAGHAVAN

R3 BY ADV. SRI.P.C.SASIDHARAN

R4-R6 BY ADV. SRI.DEEPAK MOHAN & BY ADV. KUM.S.SWATHY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 02-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP (C) .No. 1522 of 2015 (M)

APPENDIX

PETITIONER (S) ' EXHIBITS

EXHIBIT-P1: TRUE COPY OF SALE DEED NO.2078 DATED
27.08.2012 OF S.R.O. PERAMBRA.

EXHIBIT-P2: TRUE COPY OF BUILDING TAX RECEIPT
ISSUED BY THE 3RD RESPONDENT DATED 18.09.2014.

EXHIBIT-P3: TRUE COPY OF BASIC TAX RECEIPT DATED
17.09.2014.

EXHIBIT-P4: TRUE COPY OF OWNERSHIP CERTIFICATE
ISSUED BY THE 3RD RESPONDENT DATED 17.02.2013.

EXHIBIT-P5: TRUE COPY OF THE LETTER NO.A2-8485/14
DATED 21.08.2014 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT-P6: TRUE COPY OF THE COMPLAINT DATED
31.12.2014 BEFORE THE 2ND RESPONDENT.

EXHIBIT-P6(A): TRUE COPY OF ACKNOWLEDGEMENT
RECEIPT.

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

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W.P. (C) No. 1522 of 2015 – H
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Dated this the 2nd day of March, 2015

JUDGMENT

Shaffique, J.

Petitioner has approached this Court seeking police protection to construct the building in terms of a valid building permit issued by the local authority, Perambra Grama Panchayath.

2. It is inter alia contended that respondents 4 to 6, who are the tenants of the building, are obstructing the construction of the building.

3. Counter affidavit has been filed by respondents 4 to 6 inter alia stating that they are not creating any obstruction.

They only submit that the building is very old and the intention of the petitioner is to evict them from the said premises. According to them, they are paying reasonable rent for the said premises, and are carrying out their business. The petitioner has no right to create any nuisance .

4. Learned State Attorney, on instructions, submitted that the parties were summoned to the police station and they have agreed that they will not create any obstruction to the construction of the building.

5. Learned counsel appearing for the 3rd respondent Grama Panchayath submits that if there is any violation of the conditions in the building permit, it shall be open for them to take appropriate action, in accordance with law.

6. Having regard to the aforesaid submission, we are of the view that if there is any violation of the conditions stipulated in the building permit, it shall always be open for the 3rd

respondent to take appropriate action in accordance with law. However, if there is any obstruction from the side of the respondents 4 to 6 in the matter relating to construction of the building in terms of the valid building permit, the second respondent shall ensure maintenance of law and order.

With this observation, this Writ Petition is closed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/-A.M.SHAFIQUE,
JUDGE

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/truecopy/

P.S.toJudge