

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

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

WP(C).No. 2631 of 2015 (D)

PETITIONER(S) :-

PRAKASAN K.P., AGED 58 YEARS
S/O.NARAYANI, THERATHU HOUSE, KADAKKARAPPALLY VILLAGE
THAIKKAL P.O., CHERTHALA TALUK
ALAPPUZHA DISTRICT - 688 543.

BY ADVS.SRI.KRISHNA PRASAD. S
SRI.SIBI BHAGAVANDAS

RESPONDENT(S) :-

1. K.P.PUSHKARAN, S/O.PADMANABHAN
SREENILAYAM, KAITHAKKADU, KADAKKARAPPALLY P.O.
CHERTHALA, ALAPPUZHA DISTRICT - 688 529.
2. THE SECRETARY, KADAKKARAPPALLY GRAMA PANCHAYAT,
KADAKKARAPPALLY P.O., CHERTHALA
ALAPPUZHA DISTRICT - 688 529.
3. THE ASST.EXECUTIVE ENGINEER
P.W.D, CHERTHALA, ALAPPUZHA DISTRICT -688 529.
4. THE SUB INSPECTOR OF POLICE
PATTANAKKADU POLICE STATION, CHERTHALA
ALAPPUZHA DISTRICT - 688 529.
5. THE DISTRICT POLICE CHIEF, ALAPPUZHA
DISTRICT - 688 529.
6. STATE OF KERALA REPRESENTED BY CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 27-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P-1: A TRUE COPY OF THE TAX RECEIPT NUMBER 3977700
DATED 17.6.2014 ISSUED TO THE PETITIONER FROM THE VILLAGE
OFFICE, KADAKKARAPPALLY WITH TRANSLATION.

EXT.P-2: A TRUE COPY OF THE PETITION PREFERRED BY THE
PETITIONER DATED 11.1.2015 BEFORE THE SUB INSPECTOR,
PATTANAKKADU POLICE STATION.

EXT.P-3: A TRUE COPY OF THE RECEIPT DATED 13.1.2015 ISSUED
FROM THE PATTANAKKADU POLICE STATION WITH TRANSLATION.

EXT.P-4: A TRUE COPY OF THE LETTER SENT BY THE PETITIONER
DATED 11.1.2015 TO THE SECRETARY TO THE PANCHAYAT,
KADAKKARAPPALLY.

EXT.P-5: A TRUE COPY OF ACKNOWLEDGEMENT CARD SIGNED BY THE
SECRETARY OF KADAKKARAPPALLY GRAMA PANCHAYAT.

EXT.P-6: A TRUE COPY OF THE APPLICATION DATED 11.1.2015 BY
THE PETITIONER BEFORE THE ASST.EXECUTIVE ENGINEER, CHERTHALA.

EXT.P-7: A TRUE COPY OF THE ACKNOWLEDGEMENT CARD SIGNED BY
ASST.EXECUTIVE ENGINEER P.W.D. CHERTHALA.

EXT.P-8: (SERIES): THE TRUE COPY OF THE SERIES OF PHOTO GRAPHS
SHOWING THE ILLEGAL CONSTRUCTIONS RIGHT IN FRONT OF THE
PROPERTY OF THE PETITIONER.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.2631 of 2015

Dated this the 27th day of January 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court inter alia alleging that the private respondent, namely, the first respondent has put up certain construction in front of his property. Ext.P8 series are the photographs, which would indicate that certain constructions in the form of waiting shed, concrete notice board and other permanent structures have been constructed in front of his property.

2. Learned Government Pleader on instructions submits that earlier, there was an old structure which was renovated by a particular political party and at that time, no objection was raised by the petitioner.

3. Learned counsel for the petitioner submits that constructions have been made in the Government land and the petitioner has no access to his property. If the construction is unauthorised, it is always open for the petitioner to approach the local authority seeking for removal

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of such construction from the public property. As matter stands now, this is not a case where police can interfere and take appropriate action. We do not find any reason to direct the police to grant any protection as there is no threat to the life of the petitioner in any manner. If there is any obstruction to the petitioner's right to enjoyment of the property, his remedy is to approach the appropriate forum or the civil court as the case may be. However, if any offence is committed or there is attempt to commit offence, on the complaint of the petitioner, steps shall be taken by the police after conducting necessary enquiry.

With this observation, this writ petition is disposed of.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE