

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 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 5090 of 2015 (I)

PETITIONER(S) :-

SAINABA, W/O.LATE KUNJUMOIDEEN
THARAYIL HOUSE, SREEMOOLANAGARAM P.O, ALUVA.

BY ADVS.SRI.ANIL KUMAR M.SIVARAMAN
SRI.B.M.SHAH

RESPONDENT(S) :-

1. THE SUB COLLECTOR & THE CHAIRMAN
DISTRICT LAND MONITORING COMMITTEE
OFFICE OF REVENUE DIVISIONAL OFFICER
FORT KOCHI 682 001.
2. THE RURAL SUPERINTENDENT OF POLICE
ERNAKULAM 682 035
3. THE SUB INSPECTOR OF POLICE
PERUMBAVOOR POLICE STATION, PERUMBAVOOR 683 542.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 - TRUE COPY OF THE LETTER DATED 5-11-2012 ISSUED BY THE VILLAGE OFFICER.

EXT.P1(a) - TRUE COPY OF THE TRUE ENGLISH TRANSLATION OF EXT.P1.

EXT.P2 - TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WPC.NO.3088/13.

EXT.P3 -TRUE COPY OF THE ORDER PASSED BY THE CHAIRMAN AND SUB COLLECTOR, FORT KOCHI DATED 4-1-2014.

EXT.P3(a) - TRUE COPY OF THE ENGLISH TRANSLATION OF THE EXT.P3.

EXT.P4 - TRUE COPY OF THE BUILDING PERMIT ON 4-12-2014.

EXT.P4(a) - TRUE COPY OF ENGLISH TRANSLATION OF EXT.P4.

EXT.P5 - TRUE COPY OF THE COMPLAINT DATED 20-1-2015 FILED BEFORE THE RURAL S.P.

EXT.P5(a) - TRUE COPY OF ENGLISH TRANSLATION OF EXT.P5.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.5090 of 2015

Dated this the 23rd day of February 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard the learned counsel for the petitioner and the learned Government Pleader.

2. The petitioner, by this writ petition, seeks a direction to respondent Nos.2 and 3 to grant adequate protection for the construction of the residential building as per the building permit, Ext.P4 issued by the Municipality. The petitioner's claim is that, he purchased 5 cents of land with an intention to construct a small residential building, with regard to which, a building permit has already been issued by the Municipality.

3. Learned Government Pleader, after obtaining instructions, would submit that no obstruction has been created by anyone regarding piling and construction of building in 5 cents of land. It is submitted that objections were raised by the local residents on the petitioner's attempt to construct a road from the paddy field. The submission made by the learned Government

-: 2 :-

Pleader is recorded. We only observe that there being no obstruction to the petitioner's construction and the piling work in his 5 cents of land, for which, a building permit has already been granted by the Municipality. No further direction as prayed for can be issued in this writ petition.

With the above observation, this writ petition is disposed of.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE