

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

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

WP(C).No. 5215 of 2015 (B)

PETITIONER :

**HUMAN WELFARE CENTRE,
KARIPPAI ROAD, KALAMASSERY(P.O), ERNAKULAM DISTRICT,
PIN -683 104, REPRESENTED BY ITS SECRETARY.**

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENT(S):

- 1. THE KALAMASSERY MUNICIPALITY,
MUNICIPALITY OFFICE, KALAMASSERY (P.O).,
ERNAKULAM DISTRICT, PIN- 683 104,
REPRESENTED BY ITS SECRETARY.**
- 2. THE SUB INSPECTOR OF POLICE,
KALAMASSERY POLICE STATION, KALAMASSERY (P.O),
ERNAKULAM DISTRICT, PIN-683 104.**
- 3. V.A.ZAKKEER HUSSAIN,
SECRETARY, C.PJ(M) KALAMASSERY AREA COMMITTEE,
AREA COMMITTEE OFFICE, B.T.R.BHAVAN, KALAMASSERY(P.O),
ERNAKULAM DISTRICT, PIN -683 104.**

**R1 BY SRI.M.K.ABOOBACKER
R2 BY GOVERNMENT PLEADER SRI.G.GOPAKUMAR
R3 BY ADVS. SRI.P.M.MUJEEB REHIMAN
SMT.M.M.JASMIN
SMT.K.S.SUMITHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

APPENDIX

**EXHIBIT:P1 PHOTOGRAPH SHOWING THE FLAG STICK ERECTED BY THE 3RD
RESPONDENT IN FRONT OF THE BUILDING OF THE PETITIONER
SOCIETY.**

**EXHIBIT:P2 TRUE COPY OF THE JUDGMENT PASSED BY THIS HON'BLE COURT IN
W.P(C) NO.19852/2012,DATED 24.09.2012.**

**EXHIBIT P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER, DATED 06.09.2014 ALONG WITH RECEIPT AND TRUE
TRANSLATION IN ENGLISH.**

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 5215 of 2015

Dated this the 18th day of June, 2015.

JUDGMENT

Alleging that the respondents 1 and 2 have not removed the alleged encroachment on the passage in front of the petitioner's building by the third respondent in spite of Ext.P3 representation, the petitioner has come up before this Court.

2. The petitioner alleges that the third respondent and his supporters have illegally encroached the passage and parking area in front of the building and erected a metallic flag mast and hoisted the flag of their political party. They used to gather around the flag mast and shout slogans. Earlier, this Court by Ext.P2 judgment, has directed the first respondent to take effective measures to remove the encroachment in the public road and to ensure that other similar encroachments are not made. On the basis of Ext.P2 judgment, even though the first respondent removed the encroachment, now again the third respondent committed the encroachment in violation of Ext.P2 judgment; it is alleged.

3. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent municipality in the matter.

4. The learned Standing Counsel for the respondent municipality on instructions submitted that the obstructions were removed by the respondents. However, the third respondent is again installing the flag stick of the political parties. Though notice has been served on the third respondent, he has not turned up. Though the respondent municipality has tried to do the best to abate the nuisance, the third respondent is continuing the illegal action. which can be redressed only with the help of the second respondent.

In the result, the writ petition is disposed of directing the first respondent to implement the decision with the help of the second respondent, who shall render necessary police aid immediately.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.