

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 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C) .No. 6732 of 2015 (N)

PETITIONER(S) :

BENNY K.T.
S/O.THOMAS, KUNALI HOUSE, KUMARANELLUR VILLAGE
VADAKANCHERY, THRISSUR.

BY ADVS.SRI.A.X.VARGHESE
SRI.A.V.JOJO

RESPONDENT(S) /RESPONDENTS:-:

1. THE DIRECTOR GENERAL OF POLICE (LAW & ORDER)
THIRUVANANTHAPURAM - 695 001.

2. THE SUB INSPECTOR OF POLICE,
WADAKANCHERY POLICE STATION, THRISSUR.

3. REJITH,
S/O.RAMAN, THERUPARAMBIL HOUSE, WADAKANCHERY P.O.
THRISSUR, PIN - 680 582.

4. K.P.MADANAN,
S/O.PARAMESWRAN, KALIPILATHIL HOUSE, ENKAKAD
THRISSUR, PIN - 680 589.

5. P.N.SURENDRAN,
S/O.NARAYANAN, POTTEKKAT HOUSE, WADAKANCHERY P.O.
THRISSUR, PIN - 680 582.

R5 BY ADV. SRI.SAJITH KUMAR KANGHINGHAT
R3 & 4 BY ADV. SRI.G.SREEKUMAR (CHELUR)
R1 AND R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 6732 of 2015 (N)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE JUDGMENT DATED 06.03.2013 IN W.P.(C) 21637/2012.

EXHIBIT P2. TRUE COPY OF THE LAND TAX REMITTANCE DATED 31.01.2015.

EXHIBIT P2(A). TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P2.

EXHIBIT P3. TRUE COPY OF THE POSSESSION CERTIFICATE DATED 30.01.2015.

EXHIBIT P3(A). TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P3(A)

EXHIBIT P4. TRUE COPY OF THE BUILDING PERMIT ALONG WITH THE PLAN DATED 21.02.2015.

EXHIBIT P4(A). TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P4(A)

EXHIBIT P5. TRUE COPY OF THE COMPLAINT DATED 01.03.2015.

EXHIBIT P5(A). TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P5(A).

EXHIBIT P6. TRUE COPY OF THE RECEIPT DATED 01.03.2015.

EXHIBIT P6(A). TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P6(A).

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No. 6732 of 2015

Dated this the 2nd July, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection. It is inter alia contended that obstruction is being created by respondents 3 to 5 in the matter relating to construction of building for which the petitioner has valid permit from the local authority. Though stop memo had been issued by the Panchayat at the instance of the private respondents, the petitioner had preferred an appeal before the Tribunal for Local Self Government Institutions and the stop memo had been stayed. Under such circumstances, when there was obstruction, the petitioner preferred a complaint before the second respondent Sub Inspector of Police seeking protection from the obstruction created by respondents 3 to 5. Since no action was taken by the Police in that regard, this Writ Petition has been filed by the petitioner.

2. Learned counsel appearing for respondents 3 to 5 submits that they have not created any obstruction as alleged and the petitioner is continuing the construction. This fact is disputed by learned counsel for the petitioner, who submits that even while the interim order is in force, there was obstruction from the private respondents and the Police has already registered a crime in that regard.

3. Having regard to the aforesaid factual situation, we are of the view that if there is any obstruction from respondents 3 to 5 in the matter relating to construction of building by the petitioner, the second respondent shall maintain law and order. However, this will be subject to the final orders to be passed by the Tribunal for Local Self Government Institutions.

The Writ Petition is disposed of as above.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFIQUE
JUDGE**

vgs2/7/15