

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 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 8851 of 2015 (F)

PETITIONER:

**M.SHIJULAL AGED 38 YEARS
S/O.KRISHNAN, RESIDING AT MANOTH HOUSE, P.O.KANNANKARA
VIA - CHELANNUR, KOZHIKODE.**

**BY ADVS.SRI.V.V.SURENDRAN
SRI.P.A.HARISH**

RESPONDENTS:

- 1. THE SUPERINTENDANT OF POLICE (RURAL)
VADAKARA, KOZHIKODE - 673 101.**
- 2. THE SUB INSPECTOR OF POLICE
KAKKUR, KOZHIKODE - 673 619.**
- 3. PRAJITH
AGE AND FATHERS NAME NOT KNOWN
RESIDING AT KANNANKANDIYIL HOUSE
P.O.KANNANKARA, VIA - CHELANNUR, KOZHIKODE - 673 616.**
- 4. PRAKASAN
AGE AND FATHERS NAME NOT KNOWN
RESIDING AT NEDUYAMBARATH HOUSE, P.O.KANNANKARA
VIA - CHELANNUR, KOZHIKODE - 673 616.**
- 5. PREMAN
AGE AND FATHERS NAME NOT KNOWN
RESIDING AT MEETHALE POYIL HOUSE, P.O.KANNANKARA
VIA - CHELANNUR, KOZHIKODE - 673 616.**

6. SHAJI KURUP

**AGE AND FATHERS NAME NOT KNOWN
RESIDING AT MALAYIL HOUSE, P.O.KANNANKARA
VIA - CHELANNUR, KOZHIKODE - 673 616.**

7. KANNANKANDIYIL VINOD

**RESIDING AT KANNANKANDIYIL HOUSE, P.O.KANNANKARA
VIA CHELANNUR, KOZHIKODE - 673 616.**

8. MEETHALEPEEDIKAYIL GANGADHARAN

**RESIDING AT MEETHALEPEEDAKAYIL HOUSE, P.O.KANNANKARA
VIA CHELANNUR, KOZHIKODE - 673 616.**

9. MEETHALEPEEDIKAYIL SHIJULAL

**RESIDING AT MEETHALEPEEDAKAYIL HOUSE, P.O.KANNANKARA
VIA CHELANNUR, KOZHIKODE - 673 616.**

R3-R9 BY ADVS. SRI.P.S.SREEDHARAN PILLAI

SRI.T.K.SANDEEP

SRI.ARJUN SREEDHAR

SRI.JOSEPH GEORGE(MULLAKKARIYIL)

SRI.ARUN KRISHNA DHAN

R1 & R2 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: A TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE CHELANNUR GRAMA PANCHAYATH DATED 08/01/2014.
- EXT.P2: A TRUE COPY OF THE GOVERNMENT ORDER NO. 12/2014 DATED 15/11/2014.
- EXT.P2(A): A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P2.
- EXT.P3: A TRUE COPY OF THE PERMISSION DATED 12/03/2015.
- EXT.P3A: A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P3.
- EXT.P4: A TRUE COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER, CHELANNUR.
- EXT.P4A: A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P4.
- EXT.P5: A TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WPC 3997/2015 DATED 03/03/2015.
- EXT.P6: A TRUE COPY OF THE REQUEST MADE BY THE PETITIONER DATED 17/03/2015.
- EXT.P6A: A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P6.

RESPONDENT(S)' EXHIBITS

- EXT.R3(A) TRUE COPY OF THE NOTICE NO.A4/392/13 DATED 25.03.2015 ISSUED BY CHELANNUR GRAMA PANCHAYAT
- EXT.R3(B) TRUE ENGLISH TRANSLATION OF EXRT.R3(A)
- EXT.R3(C) TRUE COPY OF THE PHOTOGRAPHS OF THE SITE OF THE PETITIONER

/TRUE COPY/

PA TO JUDGE

JJJ

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

W.P.(C) No. 8851 of 2015 (F)

Dated this the 9th day of April, 2015

J U D G M E N T

A.M.Shaffique, J.

This writ petition is filed seeking police protection, *inter alia*, contending that the private respondents are obstructing the petitioner from removing earth which is required for the construction of building, wherein the petitioner is having valid building permit.

2. Counter affidavit has been filed by respondents 3 to 9 producing Ext.R3(a) which is a communication dated 25.3.2013 issued by Chelannur Grama Panchayat, by which construction of the building by removal of earth has been prohibited and the petitioner has been called upon to show cause why the building permit should not be cancelled.

3. The learned counsel for the petitioner submits that no such order has been served on the petitioner. Whatever that may be, in view of the existence of Ext.R3(a), we do not think that the request for police protection can be considered, allowing the petitioners to remove red earth from the property in question. It is open for the petitioner to challenge Ext.R3(a) in appropriate proceedings.

4. In the said circumstance, as the matter stands now, we do not intend to entertain the writ petition and accordingly the writ petition is dismissed reserving the right of the petitioner to challenge Ext.R3(a) in appropriate proceedings.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

jjj