

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

WP(C).No. 10822 of 2015 (C)

PETITIONER(S) :-

MICHAEL ANTONY
S/O. P.M.ANTONY, PUTHANPADATH HOUSE, KUMBALANGHI
COCHIN-7, RESIDING AT H.NO.97, SECTOR 23
FARIDABAD-121 005.

BY ADVS.SMT.S.SINDHU
SRI.A.D.SHAJAN

RESPONDENT(S) :-

1. STATE OF KERALA
REP. BY SECRETARY TO GOVT., HOME DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. SUB INSPECTOR OF POLICE
KUMBALANGHI POLICE STATION, KUMBALANGHI, KOCHI-682 007.
3. KUMBALANGHI GRAMA PANCHAYAT
KUMBALANGHI, REPRESENTED BY ITS SPL. GRADE SECRETARY
PIN-682 007.
4. SHIBU, S/O. MONY THANKAPPAN, CHAKKALAKKAL HOUSE,
KUMBALANGHI, PIN-682 007.
5. UDAYAN, S/O. MONY THANKAPPAN, CHAKKALAKKAL HOUSE
KUMBALANGHI-682 007.
6. SAJEEVAN, S/O. ACHUTHAN, ILLEKKAPARAMBIL HOUSE
KUMBALANGHI-682 007.
7. SUNIL, S/O. RAVI, PULIKKAL HOUSE, KUMBALANGHI-682 007.

R4 - R7 BY ADV. SRI.N.P.SETHU
R1 & R2 BY GOVERNMENT PLEADER SRI.P.PADMALAYAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 10822 of 2015 (C)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 : COPY OF BUILDING PERMIT NO.D-340/2013-14 DTD.5.2.2014.

EXT.P2 : COPY OF COMPLAINT FILED BEFORE THE POLICE DTD.28.3.2015.

EXT.P2(a) : TRANSLATION OF EXT.P2.

EXT.P3 : TRUE COPY OF BUILDING PLAN WAS APPROVED BY THE 3RD
RESPONDENT ON 5.2.2014.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.S. TO JUDGE

A.M.SHAFIQUE & P.V.ASHA, JJ

W.P(C).No. 10822 of 2015

Dated this the 28th April, 2015

JUDGMENT

The petitioner has approached this Court seeking police protection in the matter relating to construction of a compound wall in terms of Exhibit P1 permit dated 5.2.2014.

2. Learned counsel appearing for the private respondents submits that the intention of the petitioner is to construct the compound wall trespassing into the pathway and to reduce the width of the pathway.

3. In fact as per Exhibit P1, building permit had been granted on the condition that the property has to be measured and demarcated. Whatever that might be, the private respondents cannot obstruct the construction of the compound wall and they cannot take law into their hands. If they have any objection that the compound wall is being constructed in violation of Exhibit P1 building

permit and without measuring and demarcating the property, their right is only to approach the local authority.

4. Having regard to the aforesaid factual situation, we are of the view that this Writ Petition can be disposed of as under:

I. The Secretary of the Grama Panchayat shall ensure that the petitioner constructs the compound wall in terms of Exhibit P1 building permit and without reducing the width of the existing pathway.

II. If there is any obstruction in constructing the compound wall by the petitioner as stated above, the second respondent shall ensure maintenance of law and order.

**Sd/-
A.M.SHAFIQUE
JUDGE**

**Sd/-
P.V.ASHA, JUDGE**

vgs28/4/15