

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. 12011 of 2015 (B)

PETITIONER(S) :-

SAJIN N.M., SANJEEVINI HOUSE, PILASSERY (PO), KUNNAMANGALAM
KOZHIKODE DISTRICT, PIN 673571

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENT(S) :-

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN 695001
2. THE DEPUTY SUPERINTENDENT OF POLICE
KOZHIKODE NORTH, PIN - 673 001.
3. THE SUB INSPECTOR OF POLICE
KUNNAMANGALAM, KOZHIKODE DISTRICT, PIN - 673 001.
4. E.RAMAN, S/O.KOTTAN, ERANJIKKAL HOUSE, PILASSERY (PO)
KUUNAMANGALAM, KOZHIKODE DISTRICT, PIN 673571
5. SAJEEVAN, S/O.SUMUKHAN, HILL VIEW HOUSE, (APPAM VEETIL)
KOTTARATHIL THAZHAM, PILASSERY (PO), KUUNAMANGALAM
KOZHIKODE DISTRICT, PIN 673571
6. PRAMOD, S/O.DAMODARAN, ERANJIKKAL HOUSE, PILASSERY (PO)
KUUNAMANGALAM, KOZHIKODE DISTRICT, PIN 673571
7. SUNI, S/O.DAMODARAN, ERANJIKKAL HOUSE, PILASSERY (PO)
KUUNAMANGALAM, KOZHIKODE DISTRICT, PIN 673571
8. RAMESAN, S/O.BALAN, ERANJIKKAL HOUSE, KUNNAMANGALAM
KOZHIKODE DISTRICT, PIN 673571
9. GANESHAN P, S/O.CHOYI, VAPPANOTTE HOUSE, PILASSERY (PO)
KUNNAMANGALAM, KOZHIKODE DISTRICT, PIN 673571

R1 TO R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-04-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1:TRUE COPY OF THE ORDER PASSED BY THE TRIBUNAL FOR LOCAL SELF
GOVERNMENT INSTITUTIONS IN APPEAL NO.629/2014 DATED 10.02.2015.

EXT.P2:TRUE COPY OF THE PETITION DATED 04.04.2015 FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT ALONG WITH ITS TRUE ENGLISH TRANSLATION.

EXT.P3:TRUE COPY OF THE PETITION DATED 04.04.20.15 SUBMITTED BY THE
PETITIONER BEFORE THE 3RD RESPONDENT ALONG WITH THE RECEIPT AND THE TRUE
TRANSLATION IN ENGLISH.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.12011 of 2015

Dated this the 9th day of April 2015

J U D G M E N T

Ashok Bhushan, C.J

Heard the learned counsel for the petitioner and the learned State Attorney.

2. No notice is being issued to private respondents in view of the nature of order being passed in the writ petition.

3. By this writ petition, the petitioner prayed for a mandamus directing respondents 2 and 3 to consider Exts.P2 and P3 and grant effective police protection for the construction of building in his property comprised in Re-survey number 191/1 of Kunnamangalam Village without any obstruction from respondents 4 to 9.

4. Petitioner's case in the writ petition is that the vendor of the property had obtained a building permit dated 23.2.2011 for construction of a double storied building. The petitioner purchased the land and the building permit was renewed in the name of the petitioner. It is submitted that when the petitioner has started the construction in time, obstruction is caused by

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respondents 4 to 9. The petitioner also claims to be submitted complaint to the police authorities.

5. Learned State Attorney on instructions would submit that on the complaint received from the petitioner, respondents 4 to 9 were summoned to the police station and they have warned. It is submitted that respondents 4 to 9 have undertaken before the police that they have no intention to cause any obstruction in the construction of the building.

Recording the aforesaid submission made by the learned State Attorney, we close the writ petition. We only observe that if any offence being committed or attempt to commit offence in the matter relating to construction of building by the petitioner, it shall always be open for the petitioner to file a complaint before the police, who shall look into the matter and do the needful.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

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