

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 12750 of 2015 (P)

PETITIONER :-

THOMAS JACOB, AGED 55 YEARS,
S/O.JACOB, KACHOLAKALAYIL HOUSE, NJEEZHOOOR VILLAGE
NJEEZHOOOR.P.O, VAIKOM TALUK, KOTTAYAM DISTRICT-686 612.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS :-

1. DEPUTY SUPERINTENDENT OF POLICE, PALA
KOTTAYAM DISTRICT-686 001.
2. THE SUB INSPECTOR OF POLICE,
KADUTHURUTHY POLICE STATION,
KOTTAYAM DISTRICT-686 604.
3. THE CIRCLE INSPECTOR OF POLICE,
KADUTHURUTHY POLICE STATION
KOTTAYAM DISTRICT-686 604.
4. RAMESAN, AGED 58 YEARS
S/O.THANKAPPAN, NADUPPARAMBIL HOUSE, NJEEZHOOOR
VAIKOM TALUK, KOTTAYAM DISTRICT-686 141.

R4 BY ADV. SRI.A.X.VARGHESE
SRI.A.V.JOJO

R1 BY ADV. SRI.P.C.IYPE, ADDL. ADVOCATE GENERAL
R2 & R3 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 : TRUE COPY OF THE BUILDING PERMIT DATED 21.11.2014 ISSUED BY THE SECRETARY, NJEEZHOO GRAMA PANCHAYATH.

EXT.P2 : TRUE COPY OF THE ORDER DATED 26.02.2015 ISSUED BY THE SENIOR GEOLOGIST, KOTTAYAM.

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

EXT.P3 : TRUE COPY OF THE AGREEMENT DATED 01.03.2015 EXECUTED BETWEEN THE PETITIONER AND THE CONTRACTOR OF INDIAN RAILWAY.

EXT.P3(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P3 DATED 01.03.2015 IS PRODUCED HERewith AS.

EXT.P4 : TRUE COPY OF THE COMPLAINT DATED 24.3.2015 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT WITH COPY TO THE FIRST AND THIRD RESPONDENT.

EXT.P5 : TRUE COPY OF RECEIPT OF EXHIBIT P4 APPLICATION DATED 24.03.2015 ISSUED FROM THE OFFICE OF THE SECOND RESPONDENT.

EXT.P6 : TRUE COPY OF THE RECEIPT OF COPY OF EXHIBIT P4 APPLICATION ISSUED FROM THE OFFICE OF THE THIRD RESPONDENT TO THE PETITIONER DATED 24.03.2015.

EXT.P7 : TRUE COPY OF THE CERTIFICATE ISSUED BY THE MEDICAL BOARD, DEPARTMENT OF HEALTH SERVICES, GOVERNMENT OF KERALA.

RESPONDENT(S) ' EXHIBITS :-

EXT.R4(a) : PHOTOGRAPHS SHOWING THE PRESENT STATUS OF THE LAND.

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.12750 of 2015

Dated this the 3rd day of July 2015

J U D G M E N T

Shaffique, J

The petitioner has approached this Court seeking police protection inter alia contending that the 4th respondent is obstructing the petitioner from levelling his land by removing earth.

2. It is brought to the notice of this Court that Ext.P2 permit for transportation of ordinary earth had already been expired. So far, the petitioner has not obtained renewal of the same. As matter stands now, we do not find that we can issue any direction as sought for in this writ petition.

Accordingly, we dismiss the writ petition with liberty to the petitioner to approach this Court, if any further cause of action arises.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

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