

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 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

WP(C).No. 12779 of 2015 (V)

PETITIONER :

**M/S. CONFIDENT PROJECTS INDIA LTD.,
868/2, S.A.ROAD, VYTTILA,KOCHI,
REPRESENTED BY ITS MANAGING DIRECTOR SRI.T.A.JOSEPH,
S/O.(LATE) T.J.ALEXANDER.**

**BY ADVS.SRI.ABRAHAM MATHEW (VETTOOR)
SMT.BINI ELIZABETH**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HOME AFFAIRS, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT SUPERINTENDENT OF POLICE (RURAL),
ALUVA, PIN -683 101.**
- 3. THE SUB INSPECTOR OF POLICE,
ALANGADU, PIN- 683 511.**
- 4. P.K.PEEDAMPARAN,S/O.KESAVAN NAIR,
PUTHEN VEEDU, THIRUVALOOR,
ALANGAD P.O., PIN -683 511.**
- 5. V.K.SHIBU,S/O.KRISHNAN,
VENGANPARAMBIL, THIRUVALOOR,
ALANGAD P.O., PIN- 683 511.**
- 6. V.K.SUBRAHMANYAM,
S/O.KRISHNANKUTTY, VALIAPARAMBU, KARIKUNNU,
U.C.COLLEGE P.O., ALUVA, PIN -683 101.**
- 7. SAJITH LAL,S/O.VALAYUDHAN,
KALLIKATTUPARAMBU, THIRUVALOOR,
ALANGAD P.O., PIN- 683 511.**

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8. M.P.JOHNY,
(FATHER'S NAME NOT KNOWN) KOIKARA HOUSE,
THIRUVALOOR, ALANGAD P.O., PIN- 683 511.
9. GOPY M.A.,
S/O.APPU, MUKKANNIL HOUSE, THIRUVALOOR,
ALANGAD P.O., PIN -683 511.

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R4 TO R8 BY ADVS. SRI.K.SHRIHARI RAO
SMT.N.SHOBHA
SRI.A.S.SREEKANTH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: A TRUE COPY OF THE LOCATION SKETCH ISSUED BY THE VILLAGE OFFICER, ALANGADU DATED 25.11.2014.**
- EXHIBIT-P2: A TRUE COPY OF THE BASIC TAX RECEIPT NO.5331048 ISSUED BY THE VILLAGE OFFICER, ALANGADU DATED 25.11.2014.**
- EXHIBIT-P3: A TRUE COPY OF THE POSSESSION CERTIFICATE NO.9967/14 ISSUED BY THE VILLAGE OFFICE, ALANGADU DATED 25.11.2014.**
- EXHIBIT-P4: A TRUE COPY OF THE BUILDING PERMIT NO.A4/6186/14-BP-153/14-15 ISSUED BY THE SECRETARY OF THE ALANGADU GRAMA PANCHAYATH DATED 25.01.2015.**
- EXHIBIT-P5: A TRUE COPY OF THE WORK ORDER ISSUED BY THE PETITIONER IN FAVOUR OF M/S.COCHIN ENGINEERING & CONSTANCY SERVICE PVT .LTD. (CECON), DATED 17.03.2015.**
- EXHIBIT-P6: A TRUE COPY OF THE REPRESENTATION MADE BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 09.04.2015.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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

W.P.C.No.12779 of 2015

Dated this the 29th day of May 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioner, the learned Government Pleader and the learned counsel appearing for respondents 4 to 8.

2. Petitioner's case is that petitioner is a limited company engaged in building construction. It is submitted that the petitioner has acquired an extent of 60.60 Ares of land in Sy.No.447/4 (part) of Thiruvallur Desom of Alangadu village and is proceeding with piling work. Allegations have been made that the private respondents, without there being any authority, are obstructing the work.

3. Counter affidavit has been filed by respondents 4 to 8. In paragraph 9 of the counter affidavit, it is stated that two members of their union have already been employed by the petitioner and some more are likely to get employment.

4. The Learned counsel for the petitioner submits that the petitioner has every right to get his project constructed through the worker of his choice. The learned Government Pleader submits that in case of any obstruction, police authority shall extend appropriate protection.

5. In the above view of the matter, we are of the view that the writ petition can be disposed of directing the 3rd respondent to provide proper protection, if any obstruction is caused by the private respondents in carrying out the piling work. It is, however, open for the petitioner to take work from the workmen, as per its choice.

With this observation, this writ petition is disposed of.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

