

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

WP(C).No. 14326 of 2015 (M)

PETITIONER(S):

JYOTHIRAJ AGED 48 YEARS
S/O.LATE C.V.KUNHIKUTTAN, SANDHYA NIVAS, CMC 18
CHERTHALA, PIN 688554

BY ADV. SRI.B.PRAMOD

RESPONDENT(S):

1. THE SUB INSPECTOR OF POLICE
CHERTHALA POLICE STATION
ALAPPUZHA DISTRICT PIN 688524

2. AJITH
JYOTHI BAHVAN, CMC 13, CHERTHALA PO
ALAPPUZHA, PIN 688524

3. ABHILASH
CHERUTHURUTHIL, CMC-13
CHERTHALA PO, ALAPPUZHA, PIN 688 524

4. SHANMUGHAN,
PUNNAVELI VELI, CMC 13, CHERTHALA PO
ALAPPUZHA, PIN 688524

5. P.V.SATHEESAN
THAKIDIPPURAM, CMC 13, CHERTHALA PO
ALAPPUZHA, PIN 688524

R2,3,4,5 BY ADV. SRI.T.JAYAKRISHNAN
R2,R3,R4,R5 BY ADV. SRI.R.KRISHNAKUMAR (CHERTHALA)
R1 BY SR.GOVERNMENT PLEADER SRI.C.R.SHYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 14326 of 2015 (M)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:TRUE TAX RECEIPT DATED 10.04.2015 ISSUED IN RESPECT OF THE
PETITIONER'S PROPERTY
P2:TRUE COPY OF THE REPORT PUBLISHED IN MALAYALA MANORAMA DAILY DATED
06.04.2015
P3:TRUE COPY OF THE BUILDING PERMIT WITH APPROVED PLAN
P4:TRUE COPY OF THE PETITION DATED 11.04.2015 SUBMITTED BY THE
PETITIONER
P5:TRUE COPY OF THE RECEIPT DATED 11.04.2015 ISSUED TO THE PETITIONER

RESPONDENT(S) ' EXHIBITS

EXHIBIT R2(a): COPY OF PAPER NEWS APPEARED IN MATHRUBOOMI DAILY DATED
8.5.2015 REGARDING DROPPING OF THE MOVE TO SHIFT FOREIGN LIQUOR SHOP
IN THE PETITIONER'S PROPERTY.

EXHIBIT R2(a)(a): ENGLISH TRANSLATION OF EXHIBIT R2(a).

EXHIBIT R2(b): COPY OF LETTER ISSUED BY ALAPPUPZHA EXCISE DEPUTY
COMMISSIONER DATED 6.5.2015 TO THE DISTRICT COLLECTOR STATING THAT AT
PRESENT NO PERMISSION IS GIVEN TO SHIFT THE LIQUOR SHOP.

EXHIBIT R2(b)(a): ENGLISH TRANSLATION OF EXHIBIT R2(b).

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No. 14326 of 2015

Dated this the 1st June, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection inter alia alleging that respondents 2 to 5 and other persons are unnecessarily obstructing the pathway which leads to the petitioner's property. It is submitted that the petitioner has obtained a building permit for construction of a commercial building in the said property, a portion of which has also been agreed to be taken on rent by the Kerala State Beverages Corporation, which resulted in the present protest by the party respondents. It is submitted that even the petitioner is obstructed from being used the pathway to enter his own property.

2. A counter affidavit has been filed by the second respondent inter alia stating that they have dropped their objection regarding the use of the property by the Kerala State Beverages Corporation, as the Excise Commissioner has denied the proposal of setting up their outlet in the said building.

3. Having regard to the fact that the claim of the petitioner has already been redressed, as respondents 2 to 5 do not intend to create further obstruction, there is no reason to issue an order as prayed for. If there is any further obstruction from respondents 2 to 5 or any other person, it is always open for the petitioner to approach the Police and seek protection.

With the above observation, we close the Writ Petition.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFIQUE
JUDGE**

vgs1/6/15