

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 14495 of 2015 (J)

PETITIONERS :

- 1. SHIBU JACOB,
S/O.K.J.JACOB, AGED 55 YEARS, HOUSE NO 21, T.C NO.3/214
KUDAPPANAKKUNNU VILLAGE, THIRUVANANTHAPURAM – 695025.**
- 2. MAYA JACOB,
W/O.SHIBU JACOB,
AGED 53 YEARS, HOUSE NO 21, T.C.NO.3/214
KUDAPPANAKKUNNU VILLAGE,
THIRUVANANTHAPURAM-695 025.**

BY ADV. SRI.SREEKANTH S.NAIR

RESPONDENTS :

- 1. DIRECTOR GENERAL OF POLICE
O/O.DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM-695001**
- 2. DISTRICT POLICE CHIEF
O/O. DISTRICT POLICE CHIEF
THIRUVANANTHAPURAM-695001**
- 3. CIRCLE INSPECTOR OF POLICE
PEROORKADA POLICE STATION, PEROORKADA P.O.,
THIRUVANANTHAPURAM-695 025.**
- 4. K.A. SALIM, PRESIDENT
SANTHOSH NAGAR RESIDENTIAL ASSOCIATION, HOUSE NO. 22
MUTTADA P.O., THIRUVANANTHAPURAM – 695 025.**
- 5. BABU CYRIAC
VICE PRESIDENT
SANTHOSH NAGAR RESIDENTIAL ASSOCIATION, HOUSE NO.11
MUTTADA P.O., THIRUVANANTHAPURAM-695 025.**
- 6. PHILIP, SECRETARY,
SANTHOSH NAGAR RESIDENTIAL ASSOCIATION
HOUSE NO 14, MUTTADA P.O., THIRUVANANTHAPURAM-695025.**

7. SATHESH,
S/O.SREEDHAR, AGE 45 YEARS
PALLIVILA VEEDU, HOUSE NO.46
LMS NAGAR, MUTTADA P.O.,
THIRUVANANTHAPURAM-695 025.

R1 TO R3 BY ADDL. ADVOCATE GENERAL SRI. P.C. IYPE
BY SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR
R4 & R6 BY ADV. SRI.D.KISHORE
R5 BY ADVS. SRI.MANUEL KACHIRAMATTAM
SMT.MERRY GEORGE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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...3/-

WP(C).No. 14495 of 2015 (J)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1:- TRUE COPY OF IDENTITY CARD ISSUED TO IST PETITIONER.
- EXT. P2:- TRUE COPY OF TAX RECEIPT NO 10162 DTD. 2/5/2015 ISSUED TO IST PETITIONER.
- EXT. P3:- TRUE COPY OF TAX RECEIPT NO 10162 DTD. 2/5/2015 ISSUED TO 2ND PETITIONER.
- EXT. P4:- TRUE COPY OF NO OBJECTION CERTIFICATE DTD. 18/1/2014 ISSUED BY AIRPORT AUTHORITY OF INDIA.
- EXT. P5:- TRUE COPY OF CONSENT FOR ESTABLISHMENT DTD 20/12/2014 ISSUED BY KERALA STATE POLLUTION CONTROL BOARD.
- EXT. P6:- TRUE COPY OF NO OBJECTION CERTIFICATE DTD 27/1/2015 ISSUED BY AIRPORT AUTHORITY OF INDIA.
- EXT. P7:- TRUE COPY OF RECEIPT DTD 26/2/2015 REMITTING RS 7,45,610/- BEFORE CORPORATION OF THIRUVANANTHAPURAM.
- EXT. P8:- TRUE COPY OF BUILDING PERMIT NO. E10/BA/426/13 BY CORPORATION OF THIRUVANANTHAPURAM.
- EXT. P9:- TRUE COPY OF COMPLAINT DTD. 5/5/2015 SUBMITTED BEFORE THE IST RESPONDENT.
- EXT. P10:- TRUE COPY OF COMPLAINT DTD. 5/5/2015 SUBMITTED BEFORE THE 2ND RESPONDENT.
- EXT. P11:- TRUE COPY OF COMPLAINT DTD. 5/5/2015 SUBMITTED BEFORE THE 3RD RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.P (C) No. 14495 of 2015

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Dated this, the 24th day of June, 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioners, learned senior Government Pleader and learned counsel appearing for respondents 4 and 6

2. Petitioners have come up in the writ petition seeking police protection for construction of an apartment. Petitioners' case is that private respondents obstructed the construction with regard to which a complaint was submitted on 5th May, 2015.

3. Learned Government Pleader after obtaining instructions submitted that the incident referred to in complaint dated 5th May, 2015 is of 16th April, 2015. It is submitted that police after receiving complaint enquired and found that there is no dispute as on date. The counter affidavit filed by the 4th and 6th respondents also clearly states that they have not caused any

-:2:-

threat to the petitioners nor they have created any obstruction. As on date, there being no obstruction, we see no reason to issue any direction. We only observe that as and when obstruction is created, it will be open for the petitioner to file a complaint before the police, which may be looked into.

Writ petition is closed.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge