

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 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 17252 of 2014 (F)

PETITIONER:

**GEORGE XAVIER @ RAJU, AGED 53 YEARS,
S/O. LATE XAVIER, THAIKKOOTTATHIL HOUSE,
KANNAMALI P.O.**

**BY ADVS.SRI.K.R.RAJKUMAR
SRI.V.P.PRASAD**

RESPONDENTS:

- 1. THE STATE OF KERALA,
(REPRESENTED BY PRINCIPAL SECRETARY TO
GOVERNMENT) THE SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE COMMISSIONER OF POLICE, KOCHI CITY,
OFFICE OF COMMISSIONER OF POLICE, KOCHI,
KOCHI-682018.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
MATTANCHERY POLICE STATION, MATTANCHERY-682002.**
- 4. THE STATION HOUSE OFFICER,
KANNAMALY POLICE STATION, KOCHI-682008.**
- 5. A.A.SABU ARACKAL, S/O. AUGUSTINE,
ARYALINGAL HOUSE, VADACHIRA,
EAST OF ST. SEBASTIAN CHURCH, CHELLANAM-682008.**
- 6. K.K.RAJU KONDASSANKATTIL, S/O. KUTTY,
VADAKKE CHELLANAM, EAST OF ST. SEBASTIAN CHURCH,
VADACHIRA, CHELLANAM-682008.**
- * 7. ANTO @ SAUDI ANTO, WEST OF P.C.ROAD,
NEAR ST. SEBASTIAN CHURCH, CHELLANAM-682008.(DELETED)**

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- *8. BABY, S/O. ANDY, PALLATHAI,
WEST OF BAZAR BRIDGE,
VADAKKE VADAKKE CHELLANAM,
NEAR CORTINA HOSPITAL, CHELLANAM-682008.(DELETED)

*RESPONDENTS 7 AND 8 ARE DELETED FROM THE PARTY ARRAY
AS PER ORDER DATED 30.7.2014 IN IA.9922/2014.

**ADDL. R7 & R8 IMPLEADED

7. DISTRICT COLLECTOR, CIVIL STATION,
KAKKANAD, ERNAKULAM - 682 030.

8. DEPUTY DIRECTOR OF FISHERIES,
(BRACKISH WATER FISHING),
O/O.DEPUTY DIRECTOR OF FISHERIES,
DR.SALIM ALI ROAD, NEAR HIGH COURT OF KERALA,
NORTH.P.O., ERNAKULAM - 682 018.

ADDL. R7 & R8 ARE IMPLEADED AS PER ORDER DATED 2.9.2014
IN IA.11994/2014.

R1 TO R4, R7 & R8 BY SENIOR GOVT. PLEADER SRI.C.R.SYAMKUMAR
R5 & R6 BY ADV. SRI.BABU PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1- TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT ON 25-6-2014.
- EXHIBIT P2- TRUE COPY OF THE RECEIPT ISSUED BY THE 4TH RESPONDENT DATED 28-06-2014.
- EXHIBIT P3- TRUE COPY OF THE COMPLAINT FILED BEFORE THE 2ND RESPONDENT DATED 28-06-2014.
- EXHIBIT P4- TRUE COPY OF THE JUDGMENT IN OP.NO. 14165 OF 2003 DATED 10-6-2003.
- EXHIBIT P5- TRUE COPY OF THE RECEIPTS ISSUED BY THE PANCHAYATH DATED 27.2.1990 WITH ENGLISH TRANSLATION.
- EXHIBIT P6- TRUE COPY OF THE BILL ISSUED BY RAJIV GANDHI CENTRE FOR AQUA CULTURE DATED 21.9.11.
- EXHIBIT P7- TRUE COPY OF THE CERTIFICATE OF BANK SHOWING PRAWN CULTIVATION DATED 22.2.2005.
- EXHIBIT P8- TRUE COPY OF THE TENDER NOTICE ISSUED BY CHELLANAM PANCHAYATH DATED 18.2.2014.
- EXT.P8(A) : TRANSLATION OF EXHIBIT P8.
- EXHIBIT P9- TRUE COPY OF THE MAP SHOWING THE LIE AND NATURE OF THE PETITIONERS FARM.
- EXHIBIT P10- TRUE COPY OF THE ORDER NO.PLDA 15/2014 DATED 6.6.2014.
- EXT. P10(A)- TRANSLATION OF THE ORDER NO.PLDA 15/2014 DATED 6.6.2014.

RESPONDENT(S)' EXHIBITS:

- EXT.R5(1) : TRUE COPY OF THE ORDER DATED 8.4.14 ISSUED BY THE DISTRICT COLLECTOR, ERNAKULAM.
- EXT.R5(1)(A): THE TRUE TRANSLATION OF EXT. R5(1).
- EXT.R5(2) : TRUE COPY OF THE INFORMATION DATED 7.6.2014 ISSUED BY THE DEPUTY DIRECTOR OF FISHERIES.
- EXT.R5(2)(A): THE TRUE TRANSLATION OF EXT. R5(2).
- EXT.R5(3) : TRUE COPY OF THE COMPLAINT DATED 28.6.2014 FILED BY POKKALI SAMRAKSHANA SAMITHI.
- EXT.R5(3)(A): THE TRUE TRANSLATION OF EXT. R5(3).

//TRUE COPY//

P.S. TO JUDGE

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ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 17252 of 2014

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Dated this, the 7th day of December, 2015

J U D G M E N T

Shaffique, J.

This writ petition has been filed seeking police protection alleging that respondents 5 to 8 were obstructing the petitioner from carrying on the activity of fish farming in his property. It is submitted by the learned counsel for the petitioner that the period for fish farming has already expired.

Under such circumstances, we do not think that any further direction is required to be passed. Writ petition is, therefore, closed. However, this judgment shall not preclude the petitioner from approaching the police, if there is any further cause of action.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp7/12/2015 //True Copy//

PS to Judge