

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN**

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 17593 of 2015 (Y)

PETITIONER(S):

**ALAN BINO ABRAHAM, S/O. BINO ABRAHAM,
AGED 20 YEARS, THALAMADOM, NAVAJYOTHI NAGAR 35A,
KADAPPAKADA P.O., KOLLAM EAST VILLAGE,
KOLLAM TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT(S):

- 1. RETHY, W/O. VIJAYAN, AGED ABOUT 45 YEARS,
PULLERIKUNNEL, PERUMBILLY P.O.,
MULANTHURUTHY, ERNAKULAM DISTRICT - 682 534.**
- 2. STATION HOUSE OFFICER,
MULANTHURUTHY POLICE STATION,
ERNAKULAM DISTRICT - 682 534.**
- 3. THE DISTRICT POLICE CHIEF,
ERNAKULAM (RURAL), ALUVA,
ERNAKULAM DISTRICT - 683 101.**

R2 & R3 BY SR. GOVT. PLEADER SRI.C.R SYAMKUMAR.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 - TRUE COPY OF THE TAX RECEIPT DTD. 24.01.2015 ISSUED BY THE VILLAGE OFFICER, MULANTHURUTHY VILLAGE.
- P1(A) - TRUE ENGLISH TRANSLATION OF THE TAX RECEIPT DTD. 24.01.2015 ISSUED BY THE VILLAGE OFFICER, MULANTHURUTHY VILLAGE.
- P2 - TRUE COPY OF THE BUILDING PERMIT DTD. 13.05.2015 NO. A2-31/3177/15 ISSUED BY THE SECRETARY, MULANTHURUTHY GRAMA PANCHAYATH.
- P2(A) - TRUE ENGLISH TRANSLATION OF THE BUILDING PERMIT DTD. 13.05.2015 NO.A2-31/3177/15 ISSUED BY THE SECRETARY,MULANTHURUTHY GRAMA PANCHAYATH.
- P3 - TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT WITH COPY TO THE THIRD RESPONDENT DTD. 20.05.2015.
- P4 - TRUE COPY OF THE RECEIPT DTD. 20.05.2015 ISSUED FROM THE OFFICE OF THE SECOND RESPONDENT REGARDING THE EXHIBIT P3..
- P4(A) - TRUE ENGLISH TRANSLATION OF THE RECEIPT DTD. 20.05.2015 ISSUED FROM THE OFFICE OF THE SECOND RESPONDENT REGARDING THE EXT. P3.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

**ASHOK BHUSHAN, C.J &
K. RAMAKRISHNAN, J.**

W.P.(C) No.17593 of 2015

Dated this the 17th day of December 2015

J U D G M E N T

Ashok Bhushan, CJ.

Heard the learned counsel for the petitioner and the learned Government Pleader.

2. This writ petition has been filed seeking for police protection. The petitioner submits that he has obtained the building permit for construction of a residential building on 13.5.2015. Since the land of the petitioner is situated not in a single level, he wants to level his land. It is submitted that the petitioner never intended to transport earth from his property, but, only intended to level his land. It is submitted that obstruction was caused by the first respondent in levelling the land, with regard to which, a complaint was also submitted.

3. The petitioner had filed an affidavit dated 6.10.2015 stating that he would extract and remove ordinary earth only from an area for the purpose of construction of residential building on the basis of Ext.P2 building permit. Learned counsel for the petitioner submits that the petitioner is not intending to transport the earth so removed outside the area in question.

-: 2 :-

4. Though notice was issued to the first respondent, which was refused, there is no appearance on her behalf.

5. In view of the aforesaid, we direct the 2nd respondent to provide adequate police protection to the petitioner for levelling of the land for the purpose of construction of a residential building, with regard to which, building permit was obtained, subject to condition that he shall not transport the earth so removed outside the area.

This writ petition is disposed of as above.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
K. RAMAKRISHNAN
JUDGE