

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 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

WP(C).No. 17969 of 2015 (U)

PETITIONER(S) :-

S.D.SHIBULAL, AGED 60 YEARS
S/O LATE C.K. DAMODARAN, RESIDING AT NO.383,
SOWPARNIKA, 42ND CROSS 9TH MAIN, V BLOCK
JAYANAGAR, BANGALORE-560 041
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
K.P. MEHABOOB SHERRIF, AGED 60 YEARS,
S/O LATE K.P.M.SHERIFF,
MANZOOR MAHAL, VAZHICHERRY JUNCTION
ALAPPUZHA-688 001.

BY ADVS.SRI.ASHOK B. SHENOY
SRI.K.V.GEORGE
SRI.P.N.RAJAGOPALAN NAIR
SRI.P.S.GIREESH

RESPONDENT(S) :-

1. THE DEPUTY SUPERINTEDENT OF POLICE
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLIE
CHERTAHALA - 688 534.
2. THE SUB INSPECTOR OF POLICE
MANNANCHERRY POLICE STATION, MANNANCHERRY P.O.- 688 538.
3. SOCIAL DEMOCRATIC PARTY OF INDIA (SDPI)
REPRESENTED BY ITS ALAPPUZHA MANDALAM SECRETARY
P.A.SULAIMANKUNJU, AGED 62 YEARS,
RESIDING T CHOORATTUVELI, MANNANCHERRY P.O.- 688 538.
4. P.A. SULAIMANKUNJU, AGED 62 YEARS,
CHOORATTUVELI, MANNANCHERRY P.O.- 688 538.
5. NASSAR, AGED 56 YEARS,
MANAPARAMBU, MANNANCHERRY P.O.- 688 538.
6. RIYAS, AGED 36 YEARS,
S/O BASHEER, PUNNACKAL HOUSE, PONNAD P.O. - 688 538.

R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 : TRUE COPY OF REGD. SALE DEED NO. 1070 OF 2014 DATED 31.3.2014 OF MARARIKULAM SUB REGISTRY IN FAVOUR OF THE PETITIONER.

EXT.P2 : TRUE COPY OF POSSESSION CERTIFICATE NO.1413/14 DATED 16/6/14 ISSUED BY VILLAGE OFFICER, MANNANCHERRY TO PETITIONER ALONGWITH ENGLISH TRANSLATION.

EXT.P3 : TRUE COPY OF LAND TAX RECEIPT NO.3954124 DATED 16/6/14 ISSUED BY VILLAGE OFFICER, MANNANCHERRY TO PETITIONER ALONGWITH ENGLISH TRANSLATION.

EXT.P4 : TRUE COPY OF THANDAPPER ACCCOUNT IN RESPECT OF THANDAPPER NO.21595 MAINTAINED BY VILLAGE OFFICER, MANNANCHERRY IN NAME OF PETITIONER ALONGWITH ENGLISH TRANSLATION.

EXT.P5 : TRUE COPY OF BUILDING PERMIT NO C3 5641/14 DATED 5/9/14 ISSUED BY MANNANCHERRY GRAMA PANCHAYAT TO PETITIONER.

EXT.P6 : TRUE COPY OF ORDER DATED 13/2/2015 IN I.A.NO 47/15 IN O.S. NO 15/15 OF MUNSIFF'S COURT, ALAPPUZHA.

EXT.P7 : TRUE COPY OF I.A.No.1041/15 IN O.S.NO 15/15 FILED BY PETITIONER BEFORE MUNSIFF'S COURT, ALAPPUZHA.

EXT.P8 : TRUE COPY OF I.A.No.1042/15 IN O.S.NO 15/15 FILED BY PETITIONER BEFORE MUNSIFF'S COURT, ALAPPUZHA.

EXT.P9 : TRUE COPY OF REPRESENTATION DATED 8/6/15 FILED BY PETITIONER BEFORE 1ST RESPONDENT.

EXT.P10 : TRUE COPY OF REPRESENTATION DATED 8/6/15 FILED BY PETITIONER BEFORE 2ND RESPONDENT.

EXT.P11 : TRUE COPY OF ACKNOWLEDGEMENT NO 4120/P1-399/15/SSP DATED 8/6/2015 ISSUED BY 1ST RESPONDENT ALONG WITH ENGLISH TRANSLATION.

EXT.P12 : TRUE COPY OF ACKNOWLEDGEWMENT RECEIPT OF PETITION NO 85164/2015 DATED 8/6/15 ISSUED BY 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.17969 of 2015

Dated this the 19th day of June 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. No notice is required to be issued to private respondents in view of the order, which is being passed in this writ petition.

3. The petitioner, by this writ petition, prays for a direction to respondents 1 and 2 to provide adequate and necessary protection to the petitioner to carry out construction works as per Ext.P5 permit, without any hindrance from respondents 3 to 6. Petitioner's case is that he had already obtained a building permit and when he commenced the construction, obstruction is created by private respondents. The petitioner also claims to have filed a suit as O.S.No.15/2015, in which, an interim injunction has already been granted. It is submitted that the petitioner had filed appropriate application for taking action for violation of the injunction order as well as for police protection.

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4. Learned Government Pleader on instructions would submit that the police authorities have made an enquiry and found that as on date, there is no obstruction. It is further submitted that in view of the order of injunction issued by the trial court, police is ready to provide protection as and when any information of obstruction is received.

Recording the submission made by the learned Government Pleader, we close the writ petition with liberty to the petitioner to file appropriate complaint to the police as and when obstruction is created by the private respondents.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**