

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYASHTA, 1937

WP(C).No. 17986 of 2015 (W)

PETITIONER :

ALBERT ABEY V S.,
VEVUKATTU HOUSE, T.SQUARE LANE, PACHALAM P.O.,
COCHIN-682 012.

BY ADVS.SRI.BABU CHERUKARA
SMT.ROSAMMA MATHEW
SRI.P.A.SALIM
SRI.ANZAR BASHEER
SRI.P.ANTO THOMAS

RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN 695001
2. THE SUB INSPECTOR OF POLICE
VARAPUZHA POLICE STATION, VARAPUZHA, PIN 683517
3. MR. XAVIER ANTONY (KUNJAPPAN)
S/O.CHOWRI, THUNDIPARAMBIL HOUSE, KADAMAKKUDY ROAD
THUNDATHUMKADAVU, VARAPUZHA, PIN 683517
4. MRS.SABETH XAVIER
W/O.XAVIER ANTONY, THUNDIPARAMBIL HOUSE
KADAMAKKUDY ROAD, THUNDATHUMKADAVU, VARAPUZHA
PIN 683517

R1 & R2 BY STATE ATTORNEY, SRI.P. VIJAYARAGAHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS :

P1: TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE
INSPECTOR GENERAL OF POLICE, KOCHI RANGE, KOCHI 682311
DATED 12.05.2015.

P1 A: TRUE ENGLISH TRANSLATION OF EXHIBIT P1.

P2: TRUE COPY OF THE SAID JUDGMENT IN WPC.NO.11406/2015 DATED 07.04.2015
OF THE HONOURABLE HIGH COURT OF KERALA.

P3: TRUE COPY OF THE NOTICE DATED 10.06.2015 ISSUED BY THE TALUK
SURVEYOR, PARUR.

P3 A: TRUE ENGLISH TRANSLATION OF EXHIBIT P3.

P4: TRUE COPY OF THE PETITION DATED 12.06.2015 BY THE PETITIONER DATED
12.06.2015 TO THE 2ND RESPONDENT.

P5: TRUE COPY OF THE SPEED POST A/D CARD.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

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Dated this the 16th 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 respondents 3 and 4 in view of the order being passed in the writ petition.

3. The petitioner has come up with this writ petition seeking for police protection with regard to the peaceful survey of the petitioner's property, for which, notice has already been issued by the Taluk Surveyor. The Taluk Surveyor has issued notice for survey on 18.6.2015.

4. Learned counsel for the petitioner submits that the petitioner apprehends obstruction from the hands of the private respondents in the survey.

5. Under such circumstances, we are of the view that on a request made by the Taluk Surveyor, the 2nd respondent shall

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ensure that peaceful survey is being conducted in the petitioner's property.

With the above observation, this writ petition is closed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

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

Jvt