

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 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 18758 of 2015 (T)

PETITIONER(S):

**ASSAIN HAJI, AGED 71 YEARS,
S/O. LATE ABDURAHIMANKUTTY HAJI,
PEEDIKA THODIKAYIL,P.O. PARAMBIL,
KOZHIKODE-12.**

**BY ADVS.SRI.AVM.SALAHUDIN,
SMT.A.D.DIVYA,
SMT.EMIL STANLEY.**

RESPONDENT(S):

- 1. SUB INSPECTOR OF POLICE,
KASABA POLICE STATION,
KOZHIKODE-673 001.**
- 2. T.T. AZEEZ,
T.T. HOUSE, VALIYATHODI, PAYYANAKKAL,
ARTS COLLEGE P.O., KOZHIKODE-18.**
- 3. K.P. ABDUL RAZAK, ARIFA MANZIL,
P.O. GOVINDAPURAM, PUTHIYAPALAM,
KOZHIKODE-16.**

R1 BY SRI.P. VIJAYARAGHAVAN, STATE ATTORNEY.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 18758 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS:-

P1 : COPY OF THE BUILDING PERMIT DATED 04.06.2013 ISSUED BY THE KOZHIKODE CORPORATION TO THE PETITIONER.

P2 : COPY OF THE PETITION DATED 13.06.2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT WITH ACKNOWLEDGMENT.

P2(A): COPY OF ENGLISH TRANSLATION OF EXT.P2.

RESPONDENT'S EXHIBITS:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.P (C) No. 18758 of 2015

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Dated this, the 23rd 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 State Attorney. No notice is being issued to respondents 2 and 3 in view of the judgment which is being passed.

2. By this writ petition, petitioner has prayed for a writ of mandamus directing 1st respondent to provide adequate police protection to complete the construction of building as per Ext.P1 building permit dated 4th June, 2013. He submits that on account of obstruction raised by private respondents and some other persons, he could not carry on the work. He submits that a complaint has been filed before the police on 13th June, 2015.

3. Learned State Attorney after obtaining instructions submits that after receipt of the complaint, police conducted an enquiry and found that 2nd respondent is unable to move and 3rd respondent has stated that they have not created any obstruction

-:2:-

in the construction carried out by the petitioner. Learned State Attorney further submits that petitioner has been informed that as and when any obstruction is created, they may file a complaint before the 1st respondent.

In the above view of the matter, we close the writ petition with the observation that, in the event any obstruction is caused, it shall be open for the petitioner to file a complaint before the 1st respondent, who shall look into the matter and take necessary steps.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge