

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 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 20199 of 2015 (Y)

PETITIONER(S):

**IRSHAD, AGED 32 YEARS,
S/O.ABOOBACKER, KALLEPPURAM HOUSE,
CHANGAMPUZHA NAGAR P.O., PUTHUPALLIPPURAM KARA,
THRIKKAKARA, ERNAKULAM.**

**BY ADVS.SRI.S.RENJITH,
SRI.K.R.PRATHISH.**

RESPONDENT(S):

- 1. SUB INSPECTOR OF POLICE,
KOTTAPADY POLICE STATION, KOTTAPADY,
PERUMBAVOOR, ERNAKULAM-686 692.**
- 2. YOUSAF,
S/O.MOIDEEN, KARAKKUZHIYIL HOUSE, IROOR KARA,
KOTTAPPADY, PERUMBAVOOR, ERNAKULAM-686 692.**
- 3. REJISEL,
S/O.ABOOBACKER, PAREKKUDIYIL HOUSE, IROOR KARA,
KOTTAPPADY, PERUMBAVOOR, ERNAKULAM-686 692.**

R1 BY SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 :** COPY OF THE REPORT OF THE TAHSILDAR, KOTHAMANGALAM DATED 18-02-2011.
- P1(A) :** TRUE TRANSLATION OF THE EXT P1.
- P2 :** COPY OF THE ORDER DATED 16-03-2015 OF THE RDO, MUVATTUPUZHA.
- P2(A) :** TRUE TRANSLATION OF THE EXT P2.
- P3 :** COPY OF THE BUILDING PERMIT DATED 19-05-2015 ALONG WITH SKETCH SANCTIONED BY KOTTAPADY GRAMA PANCHAYAT.
- P4 :** COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.
- P4(A) :** TRUE TRANSLATION OF THE EXT P4.
- P5 :** COPY OF THE RECEIPT DATED 17-06-2015 ISSUED BY THE 1ST RESPONDENT FOR THE EXT P4 COMPLAINT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

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

W.P.C.No.20199 of 2015

Dated this the 20th day of July 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking police protection against the obstruction being created by respondents 2 and 3 in the matter relating to construction of polly green shed.

2. It is stated that the property was originally recorded as 'nilam' in the Basic Tax Register. Petitioner approached the Revenue Divisional Officer and obtained Ext.P2 order under Clause 6 of the Kerala Land Utilisation Order, 1967 for converting the same into a Polly Farm. While steps were taken for constructing the Polly Farm, obstruction was caused by respondents 2 and 3. Though the petitioner approached the police seeking necessary protection, no action has been taken. Accordingly, petitioner has approached this court.

3. Though notice was ordered to respondents 2 and 3, there is no appearance on their behalf.

4. It is apparent from the factual circumstances that petitioner has already obtained Ext.P2 permission from the Revenue Divisional Officer under Clause 6 of the KLU Order, 1967 for conversion of the land for construction of the Polly Farm and also Ext.P3 building permit from the Grama Panchayat. Under such circumstances, if there is any obstruction from respondents 2 and 3 or their men, police will have to take necessary steps to ensure law and order.

This writ petition is hence allowed directing the 1st respondent to ensure maintenance of law and order in the matter relating to construction of polly farm as per Ext.P2 permission and Ext.P3 building permit.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr