

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 21305 of 2015 (K)

PETITIONER :

**PARAKKODAN KATHIM @ KASIM HAJI, AGED 58 YEARS
S/O. POKKER, SUBAIDA MANZIL, M.G. ROAD, MATTANNUR,
KANNUR DISTRICT.**

BY ADV. SRI.CIBI THOMAS

RESPONDENTS :

- 1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695001.**
- 2. THE DISTRICT COLLECTOR ,CIVIL STATION, KANNUR - 670001.**
- 3. THE DISTRICT POLICE CHIEF, KANNUR DISTRICT - 670001.**
- 4. THE CIRCLE INSPECTOR OF POLICE,
MATTANNUR POLICE STATION, MATTANNUR, KANNUR DISTRICT- 670013.**
- 5. THE EXECUTIVE ENGINEER,
P.W.D. KERALA STATE TRANSPORT PROJECT DIVISION,
BABY BEACH ROAD, BURNASSERY P.O., KANNUR - 670013.**
- 6. VADAKEVEETIL SUDHAKARAN, S/O. P.V. BALAKRISHNA MARAR,
SHEET HOUSE, NEAR SARADA'S RESTAURANT, KANNUR ROAD,
KUTHUPARAMBA P.O., KANNUR DISTRICT - 670643.**
- 7. PATTEMMAL ARAVINDAKSHAN, S/O. NANU, BUSINESS,
NEAR DISTRICT TREASURY, THALASSERY ROAD,
MATTANNUR P.O., KANNUR DISTRICT - 670702.**

R1 TO R5 BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

P1: COPY OF THE NOTICE DT 1/6/2015 ISSUED BY THE R5.

P1(a): COPY O THE ENGLISH TRANSLATION OF EXHIBIT P1.

P2: COPY OF THE COMPLAINANT PREFERRED BY THE PETITIONER DT 1/6/2015.

P2(a): COPY OF THE ACKNOWLEDGMENT CARDS

P3: COPY OF THE NOTICE ISSUED TO RESPONDENTS 6 AND 7 DT 23/6/2015.

P3(a): COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P3.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.P (C) No. 21305 of 2015

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Dated this, the 15th day of July, 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking for police protection. It is stated that respondents 6 and 7 are tenants of a building, which is subject to acquisition proceedings and a notice has already been issued by the Executive Engineer, PWD calling upon the petitioner to surrender possession of the premises within a period of three days. According to the petitioner, he is unable to do anything in the matter as the tenants have not vacated the premises. Petitioner has submitted Ext.P2 complaint to the police *inter alia* stating that if the petitioner takes any action to demolish the portion of the building, there might be law and order situation.

2. Having regard to the aforesaid factual situation, we do not think that this is a case in which direction as sought for is required to be passed. Police can interfere in the matter only if there is any law and order situation or if there is any offence

W.P(C) No.21305/15

-:2:-

committed or attempt to commit offence. None of the above situations have arisen in the matter. If there is any difficulty for the petitioner to demolish the building on account of the objection by the tenants, petitioner can inform the acquiring authority, who shall take appropriate steps in the matter.

With the above observation, the writ petition is disposed of

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

P.S to Judge