

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 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 21642 of 2015 (E)

PETITIONER :

LEELAMMA VARGHESE, AGED 65 YEARS
VAZHAVIOLAYIL, RAJU BHAVANAM, PARAKODU
ADOOR VILLAGE, ADOOR TALUK
PATHANAMTHITTA DISTRICT- 691 523.

BY ADV. SRI.K.K.SETHUKUMAR

RESPONDENTS :

1. SUB INSPECTOR OF POLICE, ADOOR POLICE STATION,
ADOOR P.O., PATHANAMTHITTA DISTRICT - 691 523.
2. THE SECRETARY,
ADOOR MUNICIPALITY, ADOOR P.O.
PATHANAMTHITTA DISTRICT - 691 523.
3. RADHAKRISHNAN NAIR,
MUNDALAM PLAVIL, PARAKODU, ADOOR VILLAGE
ADOOR TALUK, PATHANAMTHITTA DISTRICT - 691 523.

R1 BY STATE ATTORNEY, SRI.P. VIJAYARAGHAVAN

R2 BY ADV. SRI.V.M.SYAM KUMAR, SC, ADOOR MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 21642 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS :

EXT P1 - TRUE PHOTO COPY OF PERMIT ISSUED BY 2ND RESPONDENT NO.E2-TBA
(863) 2015 DATED 09/03/2015 & E2.87/3/11 DATED 03/08/2012.

EXT P1 A- TRUE ENGLISH TRANSLATION OF EXHIBIT P1(3).

EXT P2- TRUE PHOTO COPY OF JUDGMENT IN OS 507/2011 DATED 28/10/2014
OF MUNSIFF'S COURT, ADOOR.

EXT P3- TRUE PHOTO COPY OF THE COMPLAINT SUBMITTED BEFORE THE 1ST
RESPONDENT BY THE PETITIONER.

EXT P3 A- TRUE ENGLISH TRANSLATION OF EXHIBIT P3.

EXT P4- TRUE PHOTO COPY OF THE RECEIPT DATED 28/04/2015 ISSUED BY
THE 1ST RESPONDENT.

EXT P4A- TRUE ENGLISH TRANSLATION OF EXHIBIT P4.

RESPONDENTS' EXHIBITS :

EXT.R2(A) : COPY OF LETTER DATED 07.04.2015 BEARING NO.E2-826/2015
PREFERRED BEFORE THE ADDITIONAL TAHSILDHAR, ADOOR
ALONG WITH TRANSLATION.

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 21642 OF 2015

Dated this the 29th day of July, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel appearing for the petitioner, learned State Attorney as well as learned Standing Counsel appearing for the 2nd respondent-Adoor Municipality. No notice is being issued to the 3rd respondent in view of the order which is being passed.

2. Petitioner has come up with the writ petition seeking a direction to the 1st respondent to afford sufficient police protection to the life and property of the petitioner so as to enable her peaceful residence in her own property and to allow her to construct the boundary wall as per Ext.P1 permit issued by the 2nd respondent.

3. Petitioner's case in the writ petition is that a permit has already been granted to her for construction of boundary wall. It is submitted that on the obstruction being caused by private respondents and other persons, she has filed

O.S. No.507 of 2011 before the Munsiff's Court, Adoor. Learned Munsiff, vide order dated 28.10.2014, has decreed the Suit restraining the defendant by way of a permanent prohibitory injunction from causing any obstruction to the construction of boundary wall on the southern side of the plaint schedule property. Petitioner's case is that after the judgment when she started construction of the boundary wall, again private respondents obstructed the construction. Learned counsel for the petitioner submits that she has submitted a complaint to the police authorities seeking police protection, but no action has been taken.

4. Learned Standing Counsel for the Municipality submits that Municipality has earlier written a letter to the Additional Tahsildar to carry out the survey, but the road being Municipality road, the Municipality has to take appropriate steps to measure the road enabling the petitioner to construct the boundary wall.

In view of the above, we dispose of the writ petition with a direction to the Municipality to carry out the measurement

so that the petitioner may construct the boundary wall. The 1st respondent shall afford adequate police protection towards the aforesaid construction.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**

ttb/29/07