

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 23189 of 2014 (W)

PETITIONER:

H.SURENDRANATH MALLAYA, AGED 69 YEARS
S/O.HARI MALLAYA, HOUSE NO.12/549,
PANDIKKUTY ROAD
KOCHI - 2.

BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA

RESPONDENTS:

1. DISTRICT POLICE CHIEF, ERNAKULAM - 682 011.
2. THE ASSISTANT POLICE COMMISSIONER,
MATTANCHERY - 682 002.
3. THE SUB INSPECTOR OF POLICE,
THOPPUMPADY POLICE STATION, THOPPUMPADY - 682 005.
4. VICTORIA LAWRENCE
W/O.LAWRENCE, COUNSELAR, DIVISION NO.25
COCHIN CORPORATION, RESIDING AT KONNOTH HOUSE
NAZARETH, JANATHA ROAD, MATTANCHERY - 682002.
5. LAWRENCE, KONNOTH HOUSE, NAZARETH,
JANATHA ROAD, MATTANCHERY - 682 002.
- Addl.6. T.R.XAVIER
CHULLICKAL HOUSE, 14/1210, NAZRETH
KOCHI-2.

ADDL. R6 IS IMPEADED AS PER ORDER DATED 24/09/2014 IN IA
12909/2014.

Addl.7. CORPORATION OF COCHIN,
REPRESENTED BY ITS SECRETARY,
OFFICE OF THE COCHIN CORPORATION,
ERNAKULAM.

ADDL.R7 IMPEADED AS PER ORDER DATED 18.12.2014 IN IA 17494/14.

ADDL R6 BY ADV. SRI.T.MADHU
ADDL R6 BY ADV. SRI.B.S.SURAJ KRISHNA
R4&R5 BY ADV. SMT.G.SANGEETHA
ADDL R7 BY ADV. SRI.MILLU DANDAPANI,SC,COCHIN CORPORATION
BY SR.GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: TRUE COPY OF NOTICES ISSUED UNDER THE KERALA LAND ACQUISITION ACT WITH ENGLISH TRANSLATION.

EXHIBIT P2: TRUE COPY OF COMMUNICATION DATED 7/9/2002 FROM DISTRICT COLLECTOR, ERNAKULAM.

EXHIBIT P3: TRUE COPY OF SKETCH PREPARED BY THE TALUK SURVEYOR.

EXHIBIT P4: TRUE COPY OF REPRESENTATION DATED 26/8/2014 MADE BEFORE THE RESPONDENTS 1 TO 3.

EXHIBIT P5: TRUE COPY OF RECEIPTS ISSUED FROM THE OFFICE OF 2ND AND 3RD RESPONDENTS DATED 27/8/2014 WITH ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS:

EXT.R6(A) COPY OF THE PROCEEDINGS DATED 14.2.1977 OF THE SPECIAL TAHSILDAR (LA) CORPORATION OF COCHIN AND ITS ENGLISH TRANSLATION.

EXT.R6(B) COPY OF THE REPORT DATED 27.7.1997 APPEARED IN THE INDIAN EXPRESS DAILY.

EXT.R6(C) COPY OF THE REPRESENTATION DATED 20.1.2011 AND ITS ENGLISH TRANSLATION.

/TRUE COPY/

P.S TO JUDGE

ASHOK BHUSHAN, CJ. & K. RAMAKRISHNAN, J.

.....
W.P.(C).No.23189 of 2014
.....

Dated this the 16th day of December, 2015

JUDGMENT

Ashok Bhushan, CJ.

This writ petition has been filed seeking police protection for constructing a compound wall in the property comprised in Survey No.134/1 of Rameswaram village from the obstructions and threat of respondents 4 and 5.

2. Learned Government Pleader pointed out that the petitioner could obtain building permit only on 1.10.2015 which has been filed as Ext.P6 as there was no cause of action for filing the writ petition.

In our view of the matter, we close the writ petition with liberty to the petitioner to approach the Sub Inspector of Police, if there is any obstruction, with regard to construction as per Ext.P6 building permit.

Sd/-

**ASHOK BHUSHAN,
CHIEF JUSTICE.**

Sd/-

**K. RAMAKRISHNAN,
JUDGE.**

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