

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 23235 of 2014 (D)

PETITIONER(S):

**C.T.MOHAMMED HAJI,
CHAPPANGATHOTTATHIL, NOOR MAHAL, ANDONA,
PO PARAPPANPOYIL, KOZHIKODE DISTRICT, PIN-673 573.**

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENT(S):

- 1. THE CIRCLE INSPECTOR OF POLICE,
THAMARASSERY, KOZHIKODE DISTRICT, PIN-673 523.**
- 2. THE SUB INSPECTOR OF POLICE,
THAMARASSERY, KOZHIKODE DISTRICT, PIN-673 523.**
- 3. K.P.SIVADASAN,
S/O.KANDANKUTTY, PO, VADIKKAL KARUVARAMMAL HOUSE,
PO PARAPPANPOYIL, KOZHIKODE DISTRICT, PIN-673 573.**

**R1 & R2 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS
R3 BY ADV. SRI.JACOB ABRAHAM**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE LOCATION SKETCH ISSUED BY VILLAGE OFFICER, RAROTH WITH ENGLISH TRANSLATION.

EXHIBIT P2: THE TRUE COPY OF THE JUDGMENT DATED 26.05.2014 IN W.P.(C).NO.12814 OF 2014 DIRECTED THE SECRETARY, THAMARASSERY GRAMA PANCHAYATH.

EXHIBIT P3: THE TRUE COPY OF THE ORDER DATED 04.07.2014.

EXHIBIT P3(A): THE TRUE COPY OF THE ORIGINAL IN MALAYALAM OF EXHIBIT P3.

EXHIBIT P4: TRUE COPY OF THE POSTAL RECEIPTS EVIDENCING THE LORDING OF THE SAID COMPLAINT TO RESPONDENTS 1 AND 2.

RESPONDENT(S)' EXHIBITS

EXHIBIT R3(A): TRUE COPY OF THE PLAINT SUBMITTED IN O.S.NO.426 OF 2014 BEFORE THE MUNSIF COURT, KOZHIKODE-IA.

EXHIBIT R3(B): TRUE COPY OF THE AD INTERIM ORDER PASSED BY THE MUNSIF COURT, KOZHIKODE-IA ON 26.06.2014 IN I.A.NO.1548 OF 2014.

EXHIBIT R3(C): TRUE COPY OF THE REPORT DATED 10.06.2014 OF THE COMMISSIONER SRI.A.J.PRAJEESH IN O.S.NO.426 OF 2014 BEFORE THE MUNSIF COURT, KOZHIKODE-IA.

EXHIBIT R3(D): TRUE COPY OF THE UNDATED OBJECTION SUBMITTED BY THE 3RD RESPONDENT BEFORE THE SECRETARY, THAMARASSERY GRAMA PANCHAYTH.

//TRUE COPY//

P.A.TO JUDGE.

Msd.

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

W.P.C.No.23235 of 2014

Dated this the 9th day of January 2015

J U D G M E N T

Shaffique,J

Petitioner has approached this Court seeking police protection. It is inter alia contended that the petitioner has valid permit to construct a compound wall in Re-Sy.No.29/4 in Raroth Village, Kozhikode as per building permit issued by the Secretary of Thamarassery Grama Panchayath. According to the petitioner, 3rd respondent is obstructing the construction of the compound wall. It is contended that though an application was submitted to the police for necessary protection to construct the compound wall, no action has been taken so far.

2. Counter affidavit has been filed by the 3rd respondent inter alia stating that the petitioner, along with certain others, have filed a suit as O.S.No.426/14 before Munsiff Court, Kozhikode in which an interim injunction has

been granted by the court on 26/02/2014 wherein it is made clear that no permission was accorded to the petitioners to effect any further construction on the stonewall as per the order.

Having regard to the fact that civil dispute is already pending before the Civil Court, it is open for the petitioner to approach Civil Court and obtain appropriate orders to construct compound wall and if necessary, with police assistance.

With these observations, this writ petition is disposed of.

(sd/-)
**(ASHOK BHUSHAN,
ACTING CHIEF JUSTICE)**

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

