

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&**

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 23783 of 2015 (W)

PETITIONER(S):

**M.S.PURUSHOTHAMAN, AGED 48 YEARS,
S/O.SADANANDAN, MANI MANDIRAM, SARAYOO NAGAR,
ASRAMAM, KOLLAM.**

**BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU**

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION, KOLLAM - 691 001.**
- 2. NISAM,
S/O.MUHAMMED KUNJU, RESIDING AT KATTAYYATHU VEEDU,
ASRAMAM, KOLLAM - 691 002.**
- 3. PRADEEP,
S/O.RAMANAN, RESIDING AT ASRAMAM, KOLLAM - 691 002.**
- 4. UNNIKRISHNA PILLAI,
S/O.KARUNAKARA KURUP, RESIDING AT VIJAYA NIVAS,
ASRAMAM, KOLLAM - 691 002.**

- * 5. MOHAN,
RESIDING AT VAIDYA GARDENS, ASRAMAM,
KOLLAM - 691 002. (DELETED)**

- * 5TH RESPONDENT IS DELETED AS PER ORDER DTD.8.9.2015 IN IA.12488/15.**

**R1 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R2-R4 BY ADVS. SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND
SRI.ASHWIN SETHUMADHAVAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 23783 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF FEW PHOTOGRAPHS DATED NIL.

**EXHIBIT P2. TRUE COPY OF THE INTERIM ORDER IN W.P.(C)NO.16475/2013
DATED 05.07.2013.**

EXHIBIT P3. TRUE COPY OF THE COMMUNICATION DATED 20.02.2015.

EXHIBIT P3(E). TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P3.

**EXHIBIT P4. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 26.07.2015.**

EXHIBIT P4(E). TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P4.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 23783 of 2015

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Dated this, the 8th day of September, 2015

J U D G M E N T

Shaffique, J.

Petitioner, being a contractor, who has been awarded work relating to construction of a drain along the Kavadippuram road within the Kollam Municipal Corporation, has approached this Court seeking police protection. It is stated that though he attempted to carry on the work at the instance of the Corporation, it was obstructed by respondent 2 to 5. 5th respondent is deleted from the party array as per separate order.

2. Learned counsel appearing for respondents 2 to 4 submits that they have not obstructed the petitioner in any manner and they are not supposed to do so as well. It is stated that writ petition is pending before the learned Single Judge as WP(C) No.16475/2013 in which an interim order had been passed on 5/7/2013 directing the Corporation of Kollam to ensure that filth is not discharged from Vaidya Gardens Apartment Complex

-:2:-

on to the Asramam-Kavadippuram Public Road.

3. Learned counsel for the petitioner submits that drain is being constructed in public interest. If there is any obstruction, petitioner will not be in a position to proceed with the said work.

Having regard to the aforesaid factual situation, we direct the 1st respondent to ensure that law and order is maintained in the matter relating to construction of drain by the petitioner and if there is any obstruction from respondents 2 to 4 or any other person, the said obstruction shall be removed.

Writ petition is disposed of as above.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge