

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**

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 27269 of 2014 (G)

PETITIONER(S):

**O. ANJU, LATHALAYAM,
KUTTICHIRA, KOLLAM- 691 001.**

**BY ADVS.SRI.R.KRISHNA RAJ,
SRI.P.SAJU,
SRI.BIJITH S.KHAN.**

RESPONDENT(S):

- 1. SUB INSPECTOR OF POLICE, KOTTIYAM -691 571.**
- 2. CIRCLE INSPECTOR OF POLICE, KOTTIYAM- 691 571.**
- 3. CITY POLICE COMMISSIONER, KOLLAM- 691 001.**
- 4. SHAHAL, MAJEEDIYA MANZIL,
CHAMATHADAM, KOTTIYAM -691 571.**
- 5. SHAILA MAJEED, JISHMA MANZIL,
CHAMATHADOM, KOTTIYAM -691 571.**
- 6. MUHAMMED KUNJU, CHARUVILATHADATHIL,
CHAMATHADOM, KOTTIYAM- 691 571.**
- 7. UNNI, PEROORVILA PUTHANVEEDU,
CHAMATHADAM, KOTTIYAM- 691 571.**
- 8. CHITHIRA, CHARUVILA VEEDU,
CHAMATHADAM, KOTTIYAM -691 571.**
- 9. YOUSUF KUNJU, SAJEEL MANZIL,
CHAMATHADOM, KOTTIYAM- 691 571.**
- 10. SIVAN PILLAI, SANTHOSH VIHAR,
CHAMATHADOM, KOTTIYAM- 691 571.**

**R1 TO R3 BY SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR.
R4 TO R10 BY ADV. G.AJAYAKUMAR.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 COPY OF THE OFFER LETTER 06-01-2014.
- EXHIBIT P2 COPY OF THE APPROVAL OF THE CONTROLLER OF
EXPLOSIVES 18-02-2014.
- EXHIBIT P3 COPY OF THE NOC ISSUED BY THE FIR AND RESCUE
SERVICES 25-04-2014.
- EXHIBIT P4 COPY OF THE CONSENT OF THE POLLUTION CONTROL
BOARD 19-06-2014.
- EXHIBIT P5 COPY OF THE BUILDING PERMIT ISSUED BY THE
PANCHAYATH 29-06-2014.
- EXHIBIT P6 COPY OF THE COMPLAINT OF BY THE PETITIONER 10-10-2014.

RESPONDENT'S EXHIBITS:-

- EXT.R8A COPY OF THE MEMORANDUM OF APPEAL NO.1170/2014.
- EXT.R8B COPY OF THE COMMISSION REPORT DATED 23/11/2014.
- EXT.R8C TRUE ENGLISH TRANSLATION OF EXT.R8(B).

//TRUE COPY//

P.A TO JUDGE

rs.

ASHOK BHUSHAN, Ag.C.J.

&

A.M. SHAFFIQUE, J.

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W.P.(C). No. 27269 of 2014

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Dated this the 29th day of January, 2015

JUDGMENT

A.M. Shaffique, J.

Petitioner has approached this Court seeking police protection against the activities of respondents 4 to 10 who have been obstructing the petitioner from constructing a building in terms of the permit granted in his favour. It is submitted that the petitioner intended to construct an LPG Gas Cylinder Godown as permitted by the statutory authorities. According to the petitioner, he had obtained all necessary permissions from all the statutory authorities and despite the said fact respondents 4 to 10 and their men have seen creating obstruction at the time of construction. Though a complaint was given to the police, no action has been taken and therefore the petitioner approached this Court.

2. Learned counsel for the petitioner submits that though some of the parties have filed an appeal against the grant of building permit before the Tribunal for Local Self Government Institutions as Appeal No.1170 of 2014 by judgment dated 20.12.2014 their contentions have been negatived and the appeal has been dismissed. Review petition filed has also been dismissed by order dated 09.01.2015. Under such circumstances, according to the petitioner, respondents 4 to 10 have no right to prevent the construction of godown as it is confirmed that the petitioner has necessary licence/permission as envisaged under law.

3. The learned counsel appearing for respondents 4 to 10 submits that the respondents have not obstructed the petitioner in any manner, whereas they have only taken up a mass demonstration before the Panchayath authorities. Having regard to the aforesaid facts, it is clear that respondents 4 to 10 or their men cannot

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obstruct the construction of the building by the petitioner as the petitioner is in possession of valid licence/permission from the competent authorities. If there is any such obstruction, the police is bound to protect and provide necessary protection to avoid law and order situation.

In the said circumstances, the writ petition is disposed of directing the respondents 1 and 2 to ensure that the law and order situation is maintained in the matter relating to construction of godown by the petitioner in the premises, for which he had obtained necessary building permit.

sd/-

**ASHOK BHUSHAN,
ACTING CHIEF JUSTICE**

sd/-

**A.M. SHAFFIQUE
JUDGE**

das