

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 28726 of 2015 (M)

PETITIONER(S):

**S. MURALEEDHARAN
S/O. SRI. SHANMUGHOM,
'VISALATHA', THIRUNAKKARA
KOTTAYAM P.O.-686 001.**

**BY ADVS.SRI.K.K.JOHN
SRI.BENNY CHERIAN
SRI.ASISH K.JOHN
SMT.ASHLYN BENNY**

RESPONDENT(S) :

- 1. DISTRICT SUPERINTENDANT OF POLICE
ALAPPUZHA - 688 001.**
- 2. CIRCLE INSPECTOR OF POLICE,
MULLACKAL, ALAPPUZHA - 688 001.**
- 3. ALAPPUZHA DISTRICT CONSTRUCTION WORKERES UNION (C.I.T.U)
MULLACKAL, ALAPPUZHA - 688 001
REPRESENTED BY GENERAL SECRETARY SRI P.P. PAVANAN**
- 4. AMBALAPPUZHA TALUK LANDING AND LOADING WORKERS UNION
(A I T U C), MULLACKAL, ALAPPUZHA - 688 001
REPRESENTED BY GENERAL SECRETARY SRI V.J. ANTONY**
- 5. ALAPPUZHA DISTRICT LANDING AND LOADING WORKERS
CONGRESS (I N T U C), MULLACKAL, ALAPPUZHA - 688 001
REPRESENTED BY PRESIDENT SRI BABU GEORGE**
- 6. CONSTRUCTIONA AND GENERAL MASDOOR SANGH (BMS)
MULLACKAL, ALAPPUZHA 688 001
REPRESENTED BY GENERAL SECRETARY SRI C.G. GOPAKUMAR**

7. CONSTRUCTION LABOUR UNION (U T U C)
KALLUPALAM, ALAPPUZHA - 688 001
REPRESENTED BY DISTRICT SECRETARY SRI M. BABY

R1 & R2 BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN
R3 TO R7 BY ADV. SRI.R.AZAD BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...3/-

WP(C).No. 28726 of 2015 (M)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1 COPY OF THE BUILDING PERMIT NO. E 3 B/73/06-07 ISSUED BY THE
ALAPPUZHA MUNICIPAL COUNCIL, DATED 02-06-2014.**

**EXHIBIT P2 COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE
SECOND RESPONDENT DATED 18/08/2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 28726 of 2015

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Dated this, the 29th day of October, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking police protection. It is stated that he is the owner in possession of certain item of land situated in Sy.Nos.811/4-5 811/4-7 and 811/4-10 of Alappuzha West Village. He is constructing a building having three floors on the basis of Ext.P1 building permit. During the construction, respondents 3 to 7 trade unions obstructed the construction of the building alleging that they are entitled to do the work. Though the petitioner tried to employ them, they were not fit to do the work. Thereafter, the petitioner engaged his own workmen for carrying out the work and at that time obstruction has been created by respondents 3 to 7. Petitioner therefore submitted Ext.P2 complaint to the police seeking intervention and police protection to carry on the work and since no action has been taken by the police, this writ petition is filed.

-:2:-

2. Though notice was ordered to respondents 3 to 7, there is no appearance.

Having regard to the aforesaid factual circumstance, it is clear that petitioner is entitled to construct the building with his own workmen and respondents 3 to 7 have no right to create any obstruction. Hence, we allow the writ petition directing the 2nd respondent to ensure maintenance of law and order and also to ensure that no obstruction is being caused to the work being carried on by the petitioner through his own workmen and that respondents 3 to 7 shall not create any obstruction to the said work.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp
29/10/2015

//True Copy//

PS to Judge