

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

WP(C).No. 28993 of 2015 (Y)

PETITIONER(S):

**JOHN VARGHESE, S/O.GEEVARGHESE, PALACKAL, KARIKKOM P.O.,
VETTIKAVALA VILLAGE, KOTTARAKKARA, KOLLAM,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER SANGEETH.S.,
S/O.SADANANDAN, VIJAYA SADANAM, EDAYAM P.O., ARACKAL VILLAGE,
KOTTARAKKARA, KOLLAM.**

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S):

- 1. THE STATE POLICE CHIEF,
POLICE HEADQUARTERS, VAZHUTHACAUD P.O.,
THIRUVANANTHAPURAM-695014.**
- 2. THE CITY POLICE COMMISSIONER,
THIRUVANANTHAPURAM CITY,
THIRUVANANTHAPURAM-695001.**
- 3. THE STATION HOUSE OFFICER,
MANNANTHALA POLICE STATION, MANNANTHALA P.O.,
THIRUVANANTHAPURAM-695015.**
- 4. SRI.THOMSON, THALIKUNNIL,
MUKKOLAKKAL, AMBANAD, NALANCHIRA,
KURISSADI JUNCTION, NALANCHIRA P.O.,
THIRUVANANTHAPURAM-695015.**

R1-3 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1- THE TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE
OFFICER, KUDAPPANAKKUNU FOR THE PERIOD 2011-16 AND ITS
ENGLISH TRANSLATION**
- EXT P2- THE TRUE COPY OF THE ENCUMBRANCE CERTIFICATE OBTAINED
BY THE PETITIONER FROM THE SUB REGISTRAR OFFICE PATTOM TO
THE PETITIONER**
- EXT.P3- THE TRUE COPY OF THE BUILDING PERMIT NO.188/15-16 DATED
18/9/15 ISSUED BY HE THIRUVANANTHAPURAM CORPORATION TO
THE PETITIONER AND ITS ENGLISH TRANSLATION**
- EXT.P4- THE TRUE COPY OF THE COMPLAINT DATED 11/9/15 FILED BY THE
PETITIONER BEFORE THE R3 ITS RECEIPT NO.118/15 ISSUED BY THE
R3 TO THE PETITIONER AND ITS ENGLISH TRANSLATION.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

*** * * * ***

W.P.C.No.28993 of 2015

Dated this the 25th day of September 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this court seeking police protection. It is stated that the 4th respondent is preventing the petitioner from carrying on any work in the property which he has purchased in terms of sale deed No.3507/2007 of Pattom Sub Registry. It is stated that he had obtained building permit as Ext.P3. It is alleged that the 4th respondent is preventing the petitioner from bringing materials to the site and nuisance is being caused by the 4th respondent. Though Ext.P4 complaint was filed, no action was taken by the police.

2. Perusal of Ext.P4 would indicate that the issue projected by the petitioner is with reference to the enjoyment of his property. Obstruction is being created by the 4th respondent alleging sound pollution and dumping waste in the property and that the petitioner is not permitted to carry on the work through his workers and the vehicles are being prevented from entering

the site. In so far as Ext.P4 complaint is concerned, we do not think that any offence is committed or there is any attempt to commit offence. The allegation is that of obstruction to carry on work or creating nuisance.

Having regard to the aforesaid factual situation, we do not think that a direction, as sought for, can be granted. We only observe that if any offence is committed or there is any attempt to commit offence, it is always open for the petitioner to file necessary complaint before the police who shall look into the matter and take appropriate action, in accordance with law.

With the above observation, this writ petition is closed.

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

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

jsr/25/09/2015

