

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

WP(C).No. 31452 of 2015 (F)

PETITIONER(S):

**C.M.ANWAR,
NOEL ARCADE, KAKKANAD VILLAGE, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.SHAHUL HAMEED MOOPPAN
SRI.K.M.VARGHESE**

RESPONDENT(S):

- 1. CITY POLICE COMMISSIONER, KOCHI CITY,
OFFICE OF THE CITY POLICE OFFICE, ERNAKULAM,
PIN - 682 011**
- 2. SUB INSPECTOR OF POLICE,
THRIKKAKKARA POLICE STATION, ERNAKULAM DISTRICT,
PIN - 682 021**
- 3. AZEEZ @ ASSAINAR,
PADANAYATH HOUSE, KUSUMAGIRI, ATHANI,
KAKKANAD, PIN - 682 030**

R1 & R2 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 31452 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 - TRUE COPY OF THE BUILDING PERMIT DATED 23.6.2015 ISSUED BY
THRIKKAKKARA MUNICIPALITY.**

**P2 - TRUE COPY OF THE NOTICE DATED 13.9.2015 ISSUED BY THE TALUK
SURVEYOR, KANAYANNUR.**

P2(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P2.

P3 - TRUE COPY OF THE SKETCH PREPARED BY TALUK SURVEYOR.

**P4 - TRUE COPY OF THE REPRESENTATION DATED 4.9.2015 SUBMITTED TO THE
RESPONDENT NO.1.**

P4(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P4.

**P5 - TRUE COPY OF THE RECEIPT DATED 4.9.2015 ISSUED BY OFFICE OF THE
RESPONDENT NO.1.**

**P6 - TRUE COPY OF THE REPRESENTATION DATED 9.10.2015 GIVEN TO
RESPONDENT NO.2.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 31452 of 2015

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Dated this, the 19th day of October, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the learned counsel for the petitioner and the learned Government Pleader.

2. Petitioner has approached this Court seeking police protection for carrying out construction of a commercial building in pursuance of Ext.P1.

3. Learned Government Pleader after obtaining instructions submits that Municipality has issued a stop memo twice, last being on 14/10/2015. He submits that the petitioner has not appeared before the Municipality and was proceeding with the construction. Learned counsel for the petitioner submits that no construction is being made and it has already been stopped.

4. Be that as it may, the stop memo having been issued, it is for the petitioner to appear before the Municipality to take

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-:2:-

such pleas as permissible under law. In the event, the Municipality permits the construction, it shall be open for the petitioner to file a complaint before the 2nd respondent, in the event of any obstruction being created by the 3rd respondent .

With the above observation, this writ petition is closed.

(sd/-)

ASHOK BHUSHAN, CHIEF JUSTICE

(sd/-)

A.M. SHAFFIQUE, JUDGE

True Copy PS to Judge

Rp

19/10/2015