

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**

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 34310 of 2014 (K)

PETITIONER :

**USHA KUMARY, AGED 46 YEARS,
W/O. JOY, JESUS LAND, ADAPPAKKARA,
KOLLAM DISTRICT PIN - 691503.**

BY ADV. SRI.M.G.SREEJITH

RESPONDENTS :

- 1. SUPERINTENDENT OF POLICE,KOLLAM (RURAL),
KOTTARAKKARA, KOLLAM - 691406.**
- 2. CIRCLE INSPECTOR OF POLICE, KUNDARA,
KOLLAM DISTRICT - 691509**
- 3. SUB INSEPCTOR OF POLICE, KUNDARA POLICE STATION,
KOLLAM DISTRICT - 691509.**
- 4. SECRETARY, GRAMA PANCHAYAT, PERAYAM,
MULAVANA, KLLAM - 691503.**
- 5. UDAYAKUMAR S/O. NEPOLEAN, SRUTHILAYAM,
PADAPPKKARA, KOLLAM - 691503.**
- 6. JOY, S/O. ALEXANDER, PLAVILA VEEDU,
PADAPPKKARA, KOLLAM - 691503.**
- 7. PRADEEP, S/O. HILLARIOS, SANTHOSH COTTAGE,
PADAPPKKARA, KOLLAM - 691503.**
- 8. AUSTIN S/O. JOSEPH, CHRUVIAL VEEDU,
PADAPPKKARA, KOLLAM - 691503.**
- 9. VIMALAMMA W/O. AUSTIN, PADAPPKKARA, KOLLAM - 691503.**
- 10. PREETHI @ MINI W/O. PAPPYIOS, CHARUVILAMELATHIL,
PADAPPKKARA.**

**R1 TO R3 BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN,
R4 BY ADV. SRI.T.K.AJITHKUMAR (VALATH)
R5 BY ADV. SRI.M.L.SURESH KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: THE TRUE COPY OF THE LAND TAX RECEIPT
- EXT.P2: THE TRUE COPY OF THE PLAN.
- EXT.P3: THE TRUE COPY OF BUILDING PERMIT ISSUED BY THE 4TH RESPONDENT.
- EXT.P4: THE TRUE COPY OF THE PETITIONS FILED BY THE PETITIONER BEFORE THE RESPONDENT NO.1.
- EXT.P4(A): ENGLISH TRANSLATION OF EXHIBIT-P4.
- EXT.P5: THE TRUE COPY OF THE PETITIONS FILED BY THE PETITIONER BEFORE THE RESPONDENTS NO.2.
- EXT.P5(A): ENGLISH TRANSLATIO OF EXHIBIT - P5.
- EXT.P6: THE TRUE COPY OF THE PETITIONS FILED BY THE PETITIONER BEFORE THE RESPONDENTS NO.3.
- EXT.P6(A): ENGLISH TRANSLATION OF EXHIBIT -P6.
- EXT.P7 SERIES:- TRUE COPY OF POSTAL RECEIPTS.
- EXT.P8: THE TRUE COPY OF REPLY ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT UNDER THE RIGHT TO INFORMATION ACT.
- EXT.P9: THE TRUE COPY OF THE JUDGMENT IN W.P(C)27615/2014.
- EXT.10: RENEWED PERMIT

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

**ASHOK BHUSHAN, Ag.CJ
& A.M.SHAFFIQUE, J.**

W.P.C.No.34310 of 2014

Dated this the 24th day of March 2015

J U D G M E N T

Shaffique,J

Petitioner has approached this Court contending that though she obtained permission to put up a compound wall, the same has been obstructed by the party respondents.

2. Learned counsel appearing for the 5th respondent submits that petitioner had already filed a civil suit as O.S.No.821/2005 seeking an injunction restraining the defendants from trespassing into the plaint schedule property or creating any obstruction in the enjoyment of the property.

3. The learned counsel for the petitioner would however submit that the civil suit is in respect of a different area and the compound wall is constructed in another area. It is also submitted that the private respondents are

preventing the construction of the compound wall for which she has a valid permit.

4. Having regard to the fact that the petitioner has a valid permit to construct the compound wall, the private respondents have to seek their remedy by approaching the civil court. They cannot take law into their hands and prevent the construction of the compound wall or create law and order situation. In these circumstances, if any law and order problem arises during the construction of the compound wall by the petitioner, 3rd respondent shall ensure maintenance of law and order.

This writ petition is disposed of as above.

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

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

jsr

