

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**

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WP(C).No. 34550 of 2014 (P)

PETITIONER :

**ALTHAF Y.S., AGED 24 YEARS,
S/O.YOUSUF, CHAKKALA PURAYIDAM, KATTOOR MURI,
CHERUKOL VILLAGE, RANNI TALUK, PATHANAMTHITTADISTRICT.**

**BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU**

RESPONDENTS :

- 1. THE DISTRICT POLICE CHIEF, PATHANAMTHITTA**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE
PATHANAMTHITTA.**
- 3. THE SUB INSPECTOR OF POLICE,
PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA.**
- 4. HAFEESA, W/O.SHAJI, KAVUMPATTU HOUSE,
PERINGAMALA, PATHANAMTHITTA.**
- * 5. IRSHAD MUHAMMED (DELETED)
FATHIMA MANZIL, PERINGAMALA
PATHANAMTHITTA.
[RESPONDENT R5 DELETED AS PER ORDER
DATED 08.01.2015 IN IA 269/15]**
- 6. SHEEJA P.S., W/O.IRSHAD MUHAMMED,
FATHIMA MANZIL, PERINGAMALA
PATHANAMTHITTA.**

R1 TO R3 BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P-1: TRUE COPY OF THE BUILDING PLAN APPROVED BY THE
PATHANAMTHITTA MUNICIPALITY.**

**EXT.P-2: TRUE COPY OF THE RECEIPT DATED 14.8.2014 EVIDENCING THE PAYMENT
OF BUILDING PERMIT FEE.**

**EXT.P-3: TRUE COPY OF THE COMPLAINT DATED 26.11.2014 PREFERRED BEFORE
2ND RESPONDENT**

**EXT.P-4: TRUE COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF THE 2ND
RESPONDENT EVIDENCING THE RECEIPT OF EXT.P3**

EXT.P-5: TRUE COPY OF THE G.O(P) NO.93/2014/ID DATED 30.6.2014.

EXT.P-6: TRUE COPY OF THE GOVERNMENT ORDER NO.12/2014 DATED 15/11/2014

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

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

W.P.(C). No. 34550 of 2014

Dated this the 12th day of January, 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard learned counsel for the petitioner and the learned Government Pleader. Though notice was issued to private respondents 4 and 6, no one has appeared to oppose the writ petition.

2. The petitioner by this writ petition has prayed for a direction to respondents 1 to 3 to provide adequate police protection to the life of the petitioner and to his property from the threat of respondents 4 and 6 so as to enable the petitioner to level the property and carry out construction of residential building as permitted by Ext.P1.

3. The petitioner's case is that the building permit Ext.P1 has been granted for construction of a house for which she is required to level the property. The petitioner's case is that obstruction is being created by respondents 4 and 6, with regard to which a complaint dated 26.11.2014 has been filed.

4. Learned Government Pleader after obtaining instructions submits that in so far as leveling of the property, removal of sand for construction of residential building except flats, as per Kerala Minor Mineral Concession (Amendment) Rules, 2014, the petitioner does not require any permit. However, in the event ordinary earth is to be transported, a permit as per Ext.P5 is required.

5. There is no case that the petitioner is transporting any ordinary earth from the area in question. The petitioner has already been granted the building permit. The third respondent shall extent necessary protection to carry out the work as per Ext.P1, without any interference from respondents 4 and 6.

The writ petition is disposed of with the above direction.

**ASHOK BHUSHAN,
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE,
JUDGE.**

sou.