

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 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 34823 of 2014 (C)

PETITIONER(S) :

HARINDRAN P AGED 53 YEARS
S/O.PEETHAMBARAN, PROPRIETOR, H.R.ASSOCIATES
NEDUMPRAM, THIRUVALLA, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

RESPONDENT(S) :

1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
HOME DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-1.

2. DISTRICT POLICE CHIEF
ALAPPUZHA.

3. SUB INSPECTOR OF POLICE
EDATHUWA POLICE STATION, EDATHUWA P.O.
ALAPPUZHA DISTRICT.

4. BINU GOPALAN (CONVENER OF BMS)
PAZHAYACHIRAYIL HOUSE, ANAPRAMBAL NORTH P.O.
THALAVADY, PIN-689572.

5. REGHUNATHAN (LEADER OF INTUC)
KARATHETHIL HOUSE, ANAPRAMBAL NORTH P.O.
THALAVADY-689572.

BY GOVERNMENT PLEADER SRI. P.I. DAVIS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 20-01-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C).No. 34823 of 2014 (C)

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE AGREEMENT FOR
CONSTRUCTION DATED 27-11-2014 BETWEEN THE
PETITIONER AND THE LANDLORD

EXT.P1 (A): ENGLIS TRANSLATION OF EXT.P12

EXT.P2: TRUE COPY OF THE
REPRESENTATION SUBMITTED BEFORE THE SEND
RESPONDENT DATED 18-12-2014.

/TRUE COPY/

P.S. to Judge

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

.....
W.P.C. No. 34823 of 2014 – C
.....

Dated this the 20th day of January, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

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

2. Notices were issued to respondents 4 and 5 which also have been served. But no one has appeared on their behalf.

3. By this Writ Petition, the petitioner has prayed for a direction commanding respondents 1 to 3 to afford adequate police protection to the petitioner and his employees to do the construction work including loading and unloading of materials in property comprised in Re-survey No. 451/10 of Thalavadi Village, without any obstruction from respondents 4 and 5.

4. Petitioner's case is that the area is not a scheme covered area and without there being any justification, respondents 4 and 5 had created obstruction. No one has appeared on behalf of respondents 4 and 5 in spite of service of notice. We find sufficient grounds in the Writ Petition to issue the direction as prayed for.

Accordingly, the Writ Petition is disposed of directing the 3rd respondent to ensure that no obstructions are created by respondents 4 and 5 in the construction work including loading and unloading of materials in the work site.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFIQU,
JUDGE

ari/

/truecopy/

P.S.toJudge