

Hakeema Vs. State of Kerala

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Court : Kerala

Decided On : Jan-30-2014

Judge : Hon'Ble the Chief Justice Dr. Manjula Chellur

Appellant : Hakeema

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HON'BLE THE CHIEF JUSTICE DR. MANJULA CHELLUR & THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE THURSDAY, THE 30^H DAY OF JANUARY 2014 10TH MAGHA, 1935 WP(C).No. 353 of 2014 (T)

----- PETITIONER(S): ----- HAKEEMA, PARAMBIL, CHINGOLI P.O., KARATHIKAPPALLY-690 532. BY ADVS.SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL) SRI.A.R.DILEEP SRI.MANU SEBASTIAN SRI.K.J.SHARATH KUMAR RESPONDENT(S): ----- 1. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT IN THE DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2. DISTRICT POLICE CHIEF, ALAPPUZHA-688 001.

3. CIRCLE INSPECTOR OF POLICE, HARIPPAD-690 514.

4. STATION HOUSE OFFICER, THRIKKUNNAPPUZA-690 515.

5. SECRETARY, KUMARAPURAM GRAMA PANCHAYATH, KUMARAPURAM P.O., HARIPPAD-690 548.

6. BIJU, PAVITHRAM, ERIKKAVU, KARTHIKAPPALLY P.O.-690 516.

7. MADHU, USHA BHAVANAM, ERIKKAVU, KARTHIKAPPALLY P.O.-690 516.

8. SUGHESH, MULLASSERI KIZHAKKATHIL, ERIKKAVU, KARTHIKAPPALLY P.O.-690 516.

9. PRAVEEN, THAZHCHAYIL, ERIKKAVU, KARTHIKAPPALLY P.O.-690 516.

*10. VISHNU, VADUTHALA, ERIKKAVU, KARTHIKAPPALLY P.O.-690 516. (D E L E T E D). (*R10 IS DELETED FROM THE PARTY ARRAY AS PER

ORDER

DATED 2001/2014 IN IA NO.673/2014) R1 TO R4 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN R5 BY ADV. SRI.SHIRAZ ABDULLA R6 TO R9 BY ADV. SRI.S.SHANAVAS KHAN THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 3001-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Kss WP(C).No. 353 of 2014 (T) -----

APPENDIX PETITIONER(S)' EXHIBITS: ----- EXHIBIT P1- A TRUE COPY OF SALE DEED NO. 3269/12 OF HARIPPAD SRO. EXHIBIT P2- A TRUE COPY OF TAX RECEIPT DATED 1102-2013 EVIDENCING REMITTANCE OF TAX FOR THE PERIOD 201213. EXHIBIT P3- A TRUE COPY OF PHOTOGRAPHS SHOWING THE LIE OF THE PROPERTY. EXHIBIT P4- A TRUE COPY OF STOP MEMO DATED 0411-2013 ISSUED BY THE 5H RESPONDENT. EXHIBIT P5- A TRUE COPY OF APPLICATION DATED 0811-2013. EXHIBIT P6- A TRUE COPY OF REPRESENTATION DATED 1211-2013 SUBMITTED BY THE PETITIONER BEFORE THE 5H RESPONDENT. EXHIBIT P7- A TRUE COPY OF BUILDING PERMIT DATED 0312-2013 ISSUED BY THE 56H RESPONDENT. EXHIBIT P8- A TRUE COPY OF SITE PLAN SHOWING THE LIE OF THE PROPERTY AND LAYOUT OF THE BOUNDARY WALL. EXHIBIT P9- A TRUE COPY OF COMPLAINT DATED 2712-2013 MADE BEFORE THE 4H RESPONDENT. EXHIBIT P10- A TRUE COPY OF RECEIPT EVIDENCING DISPATCH OF COMPLAINT TO RESPONDENTS 2 AND 3 EXHIBIT

P11 - A TRUE COPY OF INFORMATION FURNISHED AS PER LETTER NO.A2-12896/13 DTD. 19/12/2013 ISSUED BY THE5H RESPONDENT. EXHIBIT P11(a)- A TRUE TRANSLATION OF EXT.P11. RESPONDENT(S)' EXHIBITS:
----- N I L /TRUE COPY/ P.A.TO JUDGE Kss Manjula Chellur, C.J.

& A.M. Shaffique, J.

----- W.P.(C) No. 353 OF 2014- -----
----- Dated this the 30th day of January, 2014

JUDGMENT

Shaffique, J.

The petitioner has approached this Court for a direction to the respondents 2 to 4 to provide adequate police protection to prevent interference or disturbances caused by respondents 6 to 10 in respect of construction of a boundary wall in the petitioner's property as per Ext.P1 permit.

2. The allegations in the writ petition would disclose that the petitioner is having a property having an extent of 10.23 Ares which is lying as reclaimed land. The petitioner has also certain other lands which are lying as wet land as well. The complaint is that the party respondents have threatened the petitioner and are obstructing the conversion of said land.

3. In so far as the party respondents were not engaged in any criminal act and no law and order situation has been created by the party respondents, we do not think that the request as prayed for can be granted. Presently the petitioner has claimed that respondents 6 to 10 may obstruct WP(C) No. 353 of 2014 :-2:- the filling up of the said land. In that view of the matter, it is a civil dispute and the petitioner can approach the Civil Court seeking appropriate injunction against the party respondents. However, it is made clear that if any criminal act is apprehended or committed in the process, the petitioner is at liberty to approach the police and in that event police has to conduct investigation into the same and do the needful. The Writ Petition is disposed of as above. Manjula Chellur, Chief

Justice. A.M. Shaffique, Judge. ttb/31/01 WP(C) No. 353 of 2014 -:3:-

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