

Antony P.J. Vs. State of Kerala

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Court : Kerala

Decided On : Aug-19-2014

Judge : Honourable the Ag.Chief Justice Mr.Ashok Bhushan

Appellant : Antony P.J.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN & THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE TUESDAY, THE 19TH DAY OF AUGUST 2014 28TH SRAVANA, 1936 WP(C).NO. 21574 OF 2014(V) ----- PETITIONER(S): ----- ANTONY. P.J., S/O. P.K. JOSEPH, AGED 42 YEARS, PALLIPARAMBIL HOUSE, KOCHI-2. BY ADV. SRI.ABDUL JALEEL.A. RESPONDENT(S): ----- 1. STATE OF KERALA, REPRESENTED BY SECRETARY, HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-691 601.

2. THE CITY POLICE COMMISSIONER, KOCHI CITY POLICE, PARK AVENUE, ERNAKULAM-682 011.

3. THE ASSISTANT COMMISSIONER OF POLICE (LAW AND

ORDER

), PALLURUTHY, KOCHI-682 006.

4. THE CIRCLE INSPECTOR OF POLICE, MATTANCHERRY POLICE STATION, KOCHI-682 001.
5. THE SUB INSPECTOR OF POLICE, THOPPUMPADY POLICE STATION, KOCHI-682 003.
6. REVENUE DIVISIONAL OFFICER, FORT KOCHI, KOCHI-682 001.
7. K.R. THOMAS, S/O.RAINOLD, KALLINGAL VEEDU, H. NO.15/886, JANATHA ROAD, MOOLAMKUZHY, KOCHI-682 002.
8. RAFI, S/O.LATE JOSEPH, AGED ABOUT37YEARS, LANTHAKADAVU, KILIYAMPADAM, KOCHI-2. WP(C).NO. 21574 OF2014(V) 9. K.R. SIMON @ SABU, S/O.K.S. RAPHEL, AGED ABOUT43 XV/2081-A, KANNETH HOUSE, JANATHA ROAD, MOOLAMKUZHY, KOCHI-682 002.
10. BIJU, S/O.JACOB, AGED ABOUT45 VELIPARAMBU, VATTAMAKKAL ROAD, MOOLAMKUZHY, KOCHI-682 002.
11. K.G. ANTONY, S/O.GEORGE, AGED ABOUT35YEARS, KANNETH HOUSE, H. NO.15/906, MOOLAMKUZHI, KOCHI-682 002. R1 TO R6 BY SRI.P.VIJAYARAGHAVAN, STATE ATTORNEY. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON1908-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: rs. WP(C).NO. 21574 OF2014(V) APPENDIX PETITIONER'S EXHIBITS:- EXT.P1 COPY OF THE TAX RECEIPT WITH REGARD TO1045 ARES OF PROPERTY LYING IN SY. NO.160/4 AND8628 ARES OF PROPERTY LYING IN1742 OF RAMESWARAM VILLAGE, KOCHI TALUK ISSUED BY3D RESPONDENT DATED1910/2013. (WITH TRANSLATION). EXT.P2 COPY OF THE TAX RECEIPT ISSUED BY THE3D RESPONDENT WITH REGARD AN EXTENT OF TO PROPERTY ARES LYING IN SY.NO.160/4 OF RAMESWARAM VILLAGE, KOCHI TALUK DATED1807/2014. (WITH TRANSLATION). EXT.P3 COPY OF THE BUILDING PERMIT BEARING NO.FCP1-560/13/23/10/13 DATED2310/2013 ISSUED BY THE CORPORATION OF COCHIN THE REGISTERED LAWYER DATED0907/2012. EXT.P4 COPY OF THE BUILDING PERMIT BEARING

NO.FCP2-738/2013 DATED2211/2013 ISSUED BY THE CORPORATION OF COCHIN TRUE COPY OF THE POSTAL ACKNOWLEDGMENT CARD DATED1007/2012. EXT.P5 COPY OF THE

JUDGMENT

IN WP(C).NO. 13642/2014 DATED3005/2014. EXT.P6 COPY OF THE CRIME NO.1155/2014 OF THOPPUMPADY POLICE STATION DATED0108/2014. (WITH ENGLISH TRANSLATION). EXT.P7 COPY OF THE COMPLAINT FILED BY PETITIONER BEFORE RESPONDENTS2TO5DATED0508/2014. RESPONDENT'S EXHIBITS:- NIL. //TRUE COPY// P.A. TO JUDGE rs. ASHOK BHUSHAN, Ag.CJ & A.M.SHAFFIQUE, J.

***** W.P.C.No.21574 of 2014 ----- Dated this the 19th day of August 2014

JUDGMENT

Shaffique,J Heard learned counsel for the petitioner and the learned Government Pleader.

2. Petitioner has approached this Court seeking police protection to himself, his family and property against the unlawful activities of respondents 7 to 11. According to the petitioner, he is engaged in the business of paints and hardwares. While he was carrying on construction of a building, the same was obstructed by respondents 7 to 11. According to the party respondents, the petitioner is doing construction in the Government puramboke land. According to the petitioner, the construction of the building is being made as per the valid permit issued by the local authority. W.P.C.No.21574/2014 2 3. The learned Government Pleader, on instructions, would submit that on the basis of complaints received from various persons, necessary enquiry was made through Village Officer and it was seen that some construction is being carried out in Government puramboke land and the Village Officer has issued a stop memo against the petitioner.

4. The learned counsel for the petitioner would however submit that as far as the construction of the building is concerned, the same is being done in accordance

with the building permit and as per the directions issued by the authorities concerned. However, there is threat by party respondents 7 to 11 to the life of the petitioner and the business being carried out in his building. The petitioner had submitted Ext.P7 complaint to the respondent police authorities, but no action has been taken in the matter.

5. Having regard to the aforesaid submissions, we are of the view that there is no necessity to issue notice to W.P.C.No.21574/2014 3 party respondents 7 to 11 in the nature of the orders being passed today. We only direct the 5th respondent to take into consideration Ext.P7, make necessary enquiries and do the needful, in accordance with law. With these observations, this writ petition is disposed of. (sd/-) (ASHOK BHUSHAN, ACTING CHIEF JUSTICE) (sd/-) (A.M.SHAFIQUE, JUDGE) jsr W.P.C.No.21574/2014 4 W.P.C.No.21574/2014 5

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