

(2023) 11 KL CK 0140

In the High Court Of Kerala

Case No : Writ Petition (C) No. 37896 Of 2023

Hunchathacharya Educational And Charitable Trust

APPELLANT

Vs

District Police Chief, Kannur Office Of The District Police Chief,
Thavakkara, Kannur, Pin 670001

RESPONDENT

Date of Decision : 27-11-2023

Acts Referred:

Citation : (2023) 11 KL CK 0140

Hon'ble Judges : Basant Balaji, J

Bench : Single Bench

Advocate : Abdul Raoof Pallipath, K.R.Avinash, E.Mohammed Shafi, Krishnapriya R., Sreejith V.S

Final Decision : Disposed Of

Judgement

Basant Balaji, J

1. The petitioner, is an educational and charitable trust, running a CBSE School under the name of Thunchathacharya Vidyalayam in Kannur in a property comprised in resurvey No. 50/1 in Elayavoor Amson Chovva Desom having a total extend of 2.17 acres by constructing necessary infrastructure after obtaining building permit. Before obtaining building permit, the petitioner obtained permission from RDO under Kerala Land Utilization Order to convert the land as per Ext.P1. While a load of soil was brought to the ground, the vehicle was seized and by Ext.P2 order, the petitioner was directed to restore the land to its original nature and to release the vehicle on payment of Rs.97,500/-

3. Ext. P2 was challenged in this Court by filing W.P.C NO.15355 of 2023 and Ext.P3 interim order the direction to restore the property was stayed and by Ext.P4 order in W.P.C No.16813/2023, the vehicle was released without insisting to pay the fine.

4. The petitioner has approached this Court for police protection for leveling the play ground of the school without obstruction from the 3rd respondent and their

men.

5. Notice issued to the 3rd respondent is served and none appears.

6. The government pleader, on instructions, submits that two organizations by names AIKS AND KSAB and have installed flags in the property and the construction in the property was objected. The officer bearers of the said organization were directed not to create any law and order situation. If the third respondent or any person under him or any organisation claim any right to the property or has any objection in the construction of the compound wall or leveling of the playground in the property, it is for them to approach the concerned authority and get orders in their favour. They cannot object the petitioner from leveling up the playground and constructing the compound wall and in the guise of that.

Therefore, there will be direction to 2nd respondent to see that there is no law and order situation in the area and leveling of the play ground shall be allowed to be proceeded with, without obstruction from the 3rd respondent and his men or any organization as mentioned above.