

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN  
&  
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

**FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937**

**WP(C).No. 1330 of 2013 (M)**  
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**PETITIONER(S):**  
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1. M.JAYAPRAKASH, PRESIDENT,  
SANTHIMADOM VILLA OWNERS' ASSOCIATION,  
KOTTAPPADI UNIT, IRINGAPURAM P.O., REG.NO.R-149/2012,  
RESIDING AT NAVITHA ROOMS-S2, AP III-201 - D2,  
IRINGAPURAM P.O., GURUVAYUR, THRISSUR DISTRICT.
2. K.SIVADASAN, VILLA NO.10, KOTTAPADI (NORTH),  
IRINGAPURAM P.O., GURUVAYUR, TRICHUR DIST., PIN 680 103.
3. SANTHIMADOM VILLA OWNERS' ASSOCIATION,  
KOTTAPPADI UNIT, IRINGAPURAM P.O., REG.NO.R-149/2012,  
REPRESENTED BY ITS SECRETARY DR.VIJAYABHANU,  
OWNER OF VILLA NO.113, SANTHIMADOM HOUSING COLONY,  
IRINGAPURAM, GURUVAYUR.

**BY ADVS.SRI.K.RAMAKUMAR (SR.)  
SRI.S.M.PRASANTH  
SMT.SMITHA GEORGE**

**RESPONDENT(S):**  
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1. STATE OF KERALA,  
REPRESENTED BY THE SECRETARY TO GOVERNMENT,  
DEPARTMENT OF HOME, GOVERNMENT OF KERALA,  
THIRUVANANTHAPURAM.
2. THE DIRECTOR GENERAL OF POLICE,  
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM - 695 001.
3. THE DISTRICT POLICE OFFICER,  
THRISSUR, PIN - 680 001.

**msv/**

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4. SHRI.RADHAKRISHNAN, S/O.NARAYANAN,  
CHAIRMAN, SANTHIMADHOM BUILDERS & DEVELOPERS,  
CORPORATE OFFICE, SANTHIMADHOM HEALTH RESORT COMPLEX,  
PUTHENPALLI P.O., IRINGAPRAM,  
GURUVAYUR, THRISSUR DISTRICT, PIN - 680 103.
5. SMT.RAMANI RADHAKRISHNAN, AGED 60 YEARS,  
W/O.RADHAKRISHNAN, SANTHIMADOM, SOUTH NALU VAZHY,  
NORTH PARAVUR, PIN - 683 513, ERNAKULAM DISTRICT.
6. SMT.MANJUSHA, AGED 33 YEARS,  
D/O.RADHAKRISHNAN, SANTHIMADOM, SOUTH NALU VAZHY,  
-DO-
7. SRI.RAGESH MANU, , AGED 24 YEARS,  
S/O.RADHAKRISHNAN, SANTHIMADOM, SOUTH NALU VAZHY,  
-DO-
8. SMT.RANJISHA, AGED 36 YEARS,  
D/O.RADHAKRISHNAN, SANTHIMADOM, SOUTH NALU VAZHY,  
-DO-
9. SMT.RESHMA, AGED 21 YEARS,  
D/O.RADHAKRISHNAN, SANTHIMADOM, SOUTH NALU VAZHY,  
-DO-

R4-R9 BY ADVS. SRI.V.A.PRADEEP KUMAR  
SMT.JENNY THANKAM

R1-R3 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
27-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

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**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
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**EXT.P1: TRUE COPY OF BROCHURE PUBLISHED BY THE SANTHIMADOM BUILDERS AND DEVELOPERS.**

**EXT.P2: TRUE COPY OF LETTER DT.26/7/2011 SENT BY R4 TO THE CUSTOMERS.**

**EXT.P3: TRUE COPY OF LAWYER NOTICE DT.3/9/2012 SENT ON BEHALF OF THE PETITIONERS.**

**EXT.P4: TRUE COPY OF WRIT PETITION FILED BY R4**

**EXT.P5: TRUE COPY OF COMMUNICATION DT.14/11/2012 ISSUED BY THE KSEB TO THE 1ST PETITIONER.**

**EXT.P6: TRUE COPY OF RECEIPT DT.4/12/2012 BY THE KUNNAMKULAM MUNICIPALITY.**

**EXT.P7: TRUE COPY OF COMPLAINT DT. 9/2012 FILED BY THE 1ST PETITIONER BEFORE JFCM COURT, CHAVAKKAD.**

**EXT.P8: TRUE COPY OF FIRST INFORMATION REPORT DTD.26/9/2012 BY THE GURUVAYUR POLICE STATION.**

**EXT.P9: TRUE COPY OF REPRESENTATION DT.30/11/2012 SUBMITTED BY THE PETITIONERS BEFORE R3.**

**EXT.P10: TRUE COPY OF REPRESENTATION DT.30/11/2012 SUBMITTED BY THE PETITIONERS BEFORE THE HON'BLE CHIEF MINISTER.**

**EXT.P11: TRUE COPY OF REMINDER DT.11/12/2012 BEFORE R3 BY THE PETITIONERS.**

**RESPONDENT(S)' EXHIBITS:**  
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**EXT.R4(a): TRUE COPY OF THE AGREEMENT FOR CONSTRUCTION EXECUTED BY THE 4TH RESPONDENT IN FAVOUR OF ONE CLIENT C.S.RAGHUNATHAN.**

**//TRUE COPY//**

**P.S.TO JUDGE**

**Msv/**

**ASHOK BHUSHAN, C.J &  
A.M. SHAFFIQUE, J.**

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**W.P.(C) No.1330 of 2013**  
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**Dated this the 27<sup>th</sup> day of November 2015**

**J U D G M E N T**

**Shaffique, J.**

This writ petition has been filed inter alia seeking for police protection.

2. The allegation raised by the petitioners is that respondents 4 to 9, who are associates of the Builders, M/s.Santhimadom Builders and Developers, are threatening the petitioners with dire consequences when demands were made by the petitioners, who are purchasers of the property from the said Builders. Though, the matter was referred for mediation, no settlement was arrived at between the parties. The petitioners had also sought for a direction to conduct investigation into the acts committed by respondents 4 to 9 by committing breach of trust etc.

3. Having regard to the relief sought for, for conducting investigation into the alleged crimes against respondents 4 to 9, we do not think that this Court will be justified in issuing any direction in this jurisdiction. It is always open for the petitioners

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to approach the competent authorities with appropriate proceedings, in accordance with law.

4. Regarding the claim for police protection, it is submitted by the learned Government Pleader that during the pendency of the writ petition, no untoward incident has been reported.

Hence, we close the writ petition with liberty to the petitioners to approach the police, if there is any further cause of action.

**Sd/-  
ASHOK BHUSHAN  
CHIEF JUSTICE**

**Sd/-  
A.M. SHAFFIQUE  
JUDGE**