

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

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 841 of 2015 (E)

PETITIONER(S):

SREE NARAYANA GURUDEVAN TRUST,
REG.NO.17/01, SARKARA, CHIRAYINKEEZHU
THIRUVANANTHAPURAM DIST. REPRESENTED BY
SECRETARY SREEKUMAR.

BY ADV. SRI.R.ANILKUMAR

RESPONDENT(S):

1. SUB INSPECTOR OF POLICE
CHIRAYINKEEZHU POLICE STATION
CHIRAYINKEEZHU P.O.
THIRUVANANTHAPURAM DISTRICT, PIN-695 304
2. VIJAYAKUMARAN NAIR, AGED 50 YEARS
S/O.RAMAKRISHNA PILLAI, RESIDING AT ANJALY
CHIRAYINKEEZHU DESAM, KIZHUVILAM VILLAGE, PIN.695304
3. BAIJU, S/O.BABU, AGED 32 YEARS
RESIDING AT ASARI VILAKAM, THOTTAVARAM
CHIRAYINKEEZHU DESAM, KOONTHALLOOR VILLAGE
PIN. 695 304
4. HARI, S/O.GOPALAKRISHNAN NAIR, AGED 40 YEARS
KEEZHATTHIL, CHIRAYINKEEZHU DESAM
SARKARA VILLAGE PIN.695 304.
5. BABU, S/O.SURENDRAN
KRISHNALAYAM, ANATHALAVATTOM P.O
CHIRAYINKEEZHU VILLAGE PIN. 695 304

R1 BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 841 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 - THE TRUE PHOTOCOPY OF THE LAND TAX RECEIPT NO.2192823 DT.1-10-2014

EXT.P1(A) - THE TRUE PHOTOCOPY OF THE TRANSLATION OF LAND TAX RECEIPT
NO.2192823 DT.1-10-2014

EXT.P2 - THE TRUE PHOTOCOPY OF THE POSSESSION CERTIFICATE NO.297/14 DT.17-11-2011

EXT.P2(A) - THE TRUE PHOTOCOPY OF THE TRANSLATION OF POSSESSION CERTIFICATE
DT.17-11-2011

EXT.P3 - THE TRUE PHOTOCOPY OF THE PLAN OF CONSTRUCTION TO BE MADE IN
PROPERTY.

EXT.P4 - THE TRUE PHOTOCOPY OF THE PETITION FILED BEFORE THE CHIRAYINKEEZHU
POLICE STATION ON 19-12-2014

RESPONDENT(S)' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

sou.

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

W.P.(C). No. 841 of 2015

Dated this the 9th day of January, 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard learned counsel for the petitioner and the learned State Attorney.

2. By this writ petition, the petitioner has prayed for a mandamus commanding the first respondent to afford adequate police protection to the life of the petitioner and their employees while constructing Guru Mandiram in the property in Survey No.1022/1/c of Sarkara Village.

3. The petitioner's case is that they have purchased the property in Survey No.1022/1/c and after obtaining permission from the Panchayat, they are proceeding to construct the Guru Mandiram, to which obstruction has been caused by respondents 2 to 5. Hence they seek police protection for carrying out the construction.

4. Learned State Attorney submits that a complaint has

been received by the Administrator of Devaswom that the petitioner has demolished the compound wall and encroached their property.

5. The fact in issue raised in this case needs adjudication by a competent civil court. We are of the view that the remedy of the petitioner is to institute a suit and obtain appropriate injunction if any. The issue cannot be undertaken in this police protection case.

With this observation, the writ petition is dismissed.

Sd/-
**ASHOK BHUSHAN,
ACTING CHIEF JUSTICE**

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

sou.

// True copy //