

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

WP(C).No. 3705 of 2015 (K)

PETITIONER(S) :

- 1. NISHA RANI, AGED 34 YEARS,
W/O.AJI, AJI BHAVANAM, PALLIMAN P.O.,
KANNANALLOOR, KOLLAM.**
- 2. AJI, AGED 40 YEARS,
AJI BHAVANAM, PALLIMAN P.O., KANNANALLOOR,
KOLLAM.**

BY ADV. SRI.ARUN BABU

RESPONDENT(S) :

- 1. SUPERINTENDENT OF POLICE (RURAL),
KOTTARAKKARA, KOLLAM DISTRICT-691 506.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
KUNDARA POLICE STATION, KOLLAM DISTRICT-691 501.**
- 3. RATNAKARAN ALIAS RATNAKUMAR,
N.N.NIVAS, MUKKODU, MUKKODU P.O.,
KUNDARA, KOLLAM-691 503.**
- 4. NISHAD,
S/O.RATNAKARAN ALIAS RATNAKUMAR, N.N.NIVAS, MUKKODU,
MUKKODU P.O., KUNDARA, KOLLAM-691 503.**

**R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R3 BY ADVS. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT. P1 : THE TRUE COPY OF THE TAX PAID RECEIPT DATED 12-01-2015.**
- EXT. P2 : THE TRUE COPY OF THE LICENSE ISSUED FROM THE KUNDARA GRAMA PANCHAYATH DATED 07-01-2014.**
- EXT. P3 : THE TRUE COPY OF THE QUOTATION DATED 20-05-2013 ISSUED TO THE 1ST PETITIONER.**
- EXT. P4 : THE TRUE COPY OF THE AGREEMENT DATED 24-12-2014.**
- EXT. P4(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT P4.**
- EXT. P5 : THE TRUE COPY OF THE SEC 13(2) NOTICE ISSUED BY THE FEDERAL BANK TO THE PETITIONERS DATED 07-01-2015.**
- EXT. P6 : THE TRUE COPY OF THE COMPLAINT PREFERRED BEFORE THE 1ST AND 2ND RESPONDENT DATED 04-01-2015.**
- EXT. P6(A): TRUE ENGLISH TRANSLATION OF EXHIBIT P6.**

RESPONDENT(S)' EXHIBITS :

- EXT.R3(A): A TRUE COPY OF THE SETTLEMENT DEED NO.6437/2011 DATED 26.12.2011.**
- EXT.R3(A)(I): COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-R3(A).**
- EXT.R3(B): A TRUE COPY OF THE RECEIPT DATED 25.01.2013 ISSUED BY THE KUNDARA PANCHAYAT SCB LTD. ALONG WITH ENGLISH TRANSLATION.**
- EXT.R3(C): A TRUE COPY OF THE RECEIPT DATED 14.03.2013 ISSUED BY THE KUNDARA PANCHAYAT SCB LTD. ALONG WITH ENGLISH TRANSLATION.**
- EXT.R3(D): A TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 4TH RESPONDENT BEFORE THE SUB INSPECTOR OF POLICE, EZHUKONE DATED 27.11.2014.**
- EXT.R3(D)(I): COPY OF THE OF THE ENGLISH TRANSLATION OF EXHIBIT-R3(D).**
- EXT.R3(E): A TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 3RD RESPONDENT BEFORE THE SUB INSPECTOR OF POLICE, KUNDARA DATED 17.12.2014.**

WP(C).No. 3705 of 2015 (K)

EXT.R3(E)(I): COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-R3(E).

**EXT.R3(F): A TRUE COPY OF THE NOTICE DATED 07.01.2015, ISSUED BY
THE CHIEF MANAGER, FEDERAL BANK LTD., KUNDARA BRANCH.**

**EXT.R3(G): A TRUE COPY OF THE REQUEST SUBMITTED BY
THE 3RD RESPONDENT BEFORE THE MANAGER, FEDERAL BANK
LTD., KUNDARA BRANCH.**

EXT.R3(G)(I): COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-R3(G).

//TRUE COPY//

PA.TO JUDGE.

Msd.

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 3705 of 2015

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Dated this, the 2nd day of November, 2015

J U D G M E N T

Shaffique, J.

This writ petition has been filed alleging that respondents 3 and 4 are obstructing the functioning of an establishment by name M/s.Amptech Hollow Bricks, Floor Tiles, Interlock tiles, being conducted by the petitioners. 1st petitioner is the wife of the 2nd petitioner and respondents 3 and 4 are the father and brother of the first petitioner. It is alleged that though the petitioners are running the concern as a proprietary concern, respondents 3 and 4 along with certain people have obstructed the movement of finished goods.

2. Counter affidavit has been filed by the 3rd respondent *inter alia* stating that the hollow brick manufacturing unit is being conducted by the petitioners in the property belonging to the 3rd respondent. However, despite the arrangement between the parties, no amount has been paid by the petitioners to the 3rd

-:2:-

respondent which prompted respondents 3 and 4 to obstruct the movement of goods. It is also submitted that the petitioners have filed two suits before the Civil Court, which are pending consideration and no interim order had been passed by the Civil Court.

3. Under such circumstances, we do not think that petitioners are entitled for any police protection as prayed for. It is always open for the petitioners to approach the Civil Court and obtain appropriate orders.

With the above observation, the writ petition is dismissed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

2/11/2015

//True Copy//

PS to Judge