

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 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

WP(C).No. 5324 of 2015 (M)

PETITIONER :

MATHUKUTTY K.J.
S/O K.S JOHN, PASTOR, THE PENTECOST MISSION FAITH HOME
ANGADI, PANCHAYATH, PATHANAMTHITTA DISTRICT - 689 674.

BY ADV. SRI.A.G.BASIL

RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
HOME DEPARTMENT, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001
2. SUPERINTENDENT OF POLICE, PATHANAMTHITTA 689 645
3. CIRCLE INSPECTOR OF POLICE,
RANNI CIRCLE OFFICE, PATHANAMTHITTA 680 645
4. THE SUB INSPECTOR OF POLICE,
RANNI POLICE STATION, PATHANAMTHITTA 689 672
5. DISTRICT COLLECTOR,
PATHANAMTHITTA DISTRICT 689 645
6. ADDITIONAL DISTRICT MAGISTRATE,
COLLECTORATE, PATHANAMTHITTA 689 645
7. ANAGADI GRAMA PANCHAYATH,
RANNI, REPRESENTED BY ITS SECRETARY, 689 645
8. ABRAHAM GEORGE,
S/O V.L. GEORGE, VADAKEMURIYIL HOUSE, PULLOOPURAM P.O
ANGADI, RANNI 689 674

9. MATHEW THOMAS,
THUNDIYIL HOUSE, PULLOOPURAM P.O, ANGADI
RANNI 689 674
 10. K.G. SOMAN NAIR,AGED 54,
S/O.M.R. GOPALAN NAIR, PULLOOPURAM P.O, ANGADI
RANNI 689 674
 11. ABRAHAM JOHN,
S/O ABRAHAM, KAYYALPPURATHU HOUSE, PULLOOPURAM P.O
ANGADI, RANNI 689 674
 12. SIVAN PILLAI, AGED 69,
S/O NARAYANA KURUPP, KUTTAPURNJIDATHIL
PULLOOPURAM P.O, ANGADI, RANNI 689 674.
- R1 TO R6 BY SR.GOVERNMENT PLEADER, SRI C.R. SYAM KUMAR
R7 BY ADV. SRI.ASOK M.CHERIAN
SRI.R.ROHITH
SRI.K.JANARDHANA SHENOY
R8-R12 BY ADV. SRI.P.V.JAYACHANDRAN
SRI.S.SUDHEESHKAR
SRI.E.B.SHIVANANDAN
SRI.NIDHI BALACHANDRAN
SRI.K.S.NIZAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31-07-2015, ALONG WITH WP(C) No. 18689 OF 2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
ON 14-02-2015 TO THE 3RD RESPONDENT.

EXHIBIT P1(A) TRUE COPY OF THE ENGLISH TRANSLATION OF THE EXHIBIT P1.

EXHIBIT P1(B) TRUE COPY OF THE ACKNOWLEDGEMENT CONFIRMING RECEIPT OF
EXT P1.

EXHIBIT P2 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
TO THE 4TH RESPONDENT ON 14-02-2015.

EXHIBIT P2(A) TRUE COPY OF THE ENGLISH TRANSLATION OF THE EXHIBIT P2.

EXHIBIT P3 TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 09-01-2015
CONVENED BY THE DISTRICT COLLECTOR.

EXHIBIT P3(A) TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P3.

EXHIBIT P4 TRUE COPY OF ORDER OF THE DISTRICT COLLECTOR (PROCEEDINGS)
BEARING NO.B6-46357/14 DATED 06.04.2015.

EXHIBIT P4(A0 TRUE ENGLISH TRANSLATION OF EXHIBIT P4.

RESPONDENTS' EXHIBITS :

EXHIBIT R8 (A) : TRUE COPY OF THE INFORMATION RECEIVED FROM THE
VILLAGE OFFICE ANGADI, DATED 23.07.2014.

EXHIBIT R8(A1) : TRUE COPY OF THE ENGLISH TRANSLATION OF THE INFORMATION
RECEIVED FROM THE VILLAGE OFFICE ANGADI,
DATED 23.07.2014.

EXHIBIT R8(B) : TRUE COPY OF THE COMPLAINT DATED 12.10.2001 BEFORE
THE FIFTH RESPONDENT.

EXHIBIT R8(C) : TRUE COPY OF THE REPORT DATED 03.11.2001 OF THE
VILLAGE OFFICER,

EXHIBIT R8(D) : TRUE COPY OF THE REPORT NO.25/2014 DATED NIL
WITH LOCATION PLAN OF THE VILLAGE OFFICER.

EXHIBIT R8(D1) : TRUE COPY OF THE ENGLISH TRASLATION OF THE REPORT
NO.25/2014 DATED NIL WITH LOCATION PLAN OF THE
VILLAGE OFFICER.

WP(C).No. 5324 of 2015 (M)

EXHIBIT R8(E) : TRUE COPY OF THE REPORT NO.245/2013 DATED NIL
OF THE VILLAGE OFFICER.

EXHIBIT R8(E1) : TRUE COPY OF THE ENGLISH TRANSLATION OF THE REPORT
NO.245/2013 DATED NIL OF THE VILLAGE OFFICER.

EXHIBIT R8(F) : TRUE COPY OF THE STOP MEMO DATED 14.02.2014 OF THE RDO.

EXHIBIT R8(F1) : TRUE COPY OF ENGLISH TRANSLATION OF THE STOP MEMO
DATED 14.02.2014 OF THE RDO.

EXHIBIT R8(G) : TRUE COPY OF THE ORDER WITHDRAWING THE STOP MEMO
DATED 20.02.2014 OF THE RDO.

EXHIBIT R8(H) : TRUE COPY OF THE JUDGMENT IN W.P.(C) 16496 OF 2014
DATED 19.11.2014.

EXHIBIT R8(I) : TRUE COPY OF THE ORDER NO.B6-46357/14 DATED 06.04.2015
OF THE DISTRICT COLLECTOR.

EXHIBIT R8(I1) : TRUE COPY OF THE ENGLISH TRANSLATION OF THE ORDER
NO.B6-46357/14 DATED 06.04.2015 OF THE DISTRICT
COLLECTOR.

EXHIBIT R8(J) : TRUE COPY OF THE FIR NO.667/2015 OF RANNI OLICE STATION
DATED 04.06.2015.

EXHIBIT R8(J1) : TRUE COPY OF THE ENGLISH TRANSLATION OF THE FIR
NO.667/2015 OF RANNI OLICE STATION DATED 04.06.2015.

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) Nos.5324 & 18689 of 2015

Dated this the 31st day of July 2015

J U D G M E N T

Shaffique, J

These two writ petitions have been filed for police protection in the matter relating to construction of vault for the cemetery for two denominations, which has been permitted by the District Collector subject to certain conditions. As far as the petitioner in W.P.(C) No.5324 of 2015 is concerned, Ext.P4 is the order passed by the District Collector on 6.4.2015 and Ext.P2 is the direction issued by the District Collector, as far as the petitioner in W.P.(C) No.18689 of 2015 is concerned.

2. The petitioners' complaint is that though they were entitled to construct the cemetery, the same was objected to by the private respondents. As a result of which, the petitioners have approached the police for necessary protection and since no action has been taken by the police, these writ petitions have been filed.

3. Learned counsel appearing for the private respondents in W.P.(C) No.18689 of 2015 submits that they have also challenged Ext.P2 order by filing W.P.(C) No.15865 of 2015, which is pending consideration before the learned Single Judge. Learned counsel further submits that the writ petitioner had not obtained necessary permission from the local authority as well.

4. Having regard to the nature of issues involved in these writ petitions, we are of the view that, if the petitioners want to construct vault for the cemetery, they have to comply with the conditions imposed by the District Collector in terms of the orders as aforesaid. On such compliance, the petitioners are entitled to proceed with the construction and if there is any obstruction from the side of private respondents or their men, the police authorities are bound to ensure maintenance of law and order to enable them to construct vault for the cemetery as permitted by the District Collector.

5. As far as the claim of the private respondents in W.P.(C) No.18689 of 2015 is concerned, their right to object the construction of the vault will be subject to any further order that may be passed in the writ petition filed by them as W.P.(C) No.15865 of 2015.

Both the writ petitions are disposed of as above.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE