

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

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 5633 of 2015 (D)

PETITIONER :

RAJIV.M.K., S/O.KUTTAPPAN, AGED 35 YEARS,
MALIYAKEL HOUSE, VENGOLA KARA, WEST VENGOLA P.O.,
VENGOLA PANCHAYAT, ARACKAPPADY VILLAGE,
KUNNATHUNADU TALUK, ERNAKULAM DISTRICT-683 556.

BY ADVS.SRI.C.N.PRABHAKARAN
SRI.BIJEESH KRISHNAN

RESPONDENTS :

1. THE CIRCLE INSPECTOR OF POLICE, TRIPUNITHURA - 683 306.
2. THE SUB INSPECTOR OF POLICE, AMBALAMEDU - 682 305.
3. THE VADAVUCODE - PUTHENCROUZ GRAMA PANCHAYAT,
PUTHENCROUZ P.O., PIN - 682 308 REPRESENTED BY ITS
SECRETARY.
4. JAYA DASAN, S/O. DASAN, AGED 37 YEARS, VELOORKUZHAY HOUSE,
PUTHENCROUZ P.O., PIN - 682 308.
5. DASAN, S/O. LATE CHOTHY, AGED 43 YEARS, VELOORKUZHAY HOUSE,
PUTHENCROUZ P.O., PIN - 682 308.

R1 TO R2 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE RENT AGREEMENT OF THE ROOM NO.VII/367 E
EXECUTIVED BY THE PETITIONER IN FAVOUR OF THE 3RD RESPONDENT
FOR THE PERIOD FROM 01.01.2014 TO 31.03.2017.

EXT.P2(A) : A COPY OF THE ENGLISH TRANSLATION OF EXHIBIT.P1.

EXT.P2 : TRUE COPY OF THE RENT REMITTANCE RECEIPT NO.11402106738
DATED 27.12.2014.

EXT.P3 : TRUE COPY OF REPRESENTATION DATED 13.02.2015 SUBMITTED BY THE
PETITIONER TO THE 3RD RESPONDENT.

EXT.P3(A) : A COPY OF THE ENGLISH TRANSLATION OF EXHIBIT.P3.

EXT.P4 : TRUE COPY OF THE PETITION DATED 14.02.2015 SUBMITTED BY THE
PETITIONER TO THE 1ST RESPONDENT.

EXT.P4 (A) : A COPY OF THE ENGLISH TRANSLATION OF EXHIBIT.P4.

EXT.P5 : TRUE COPY OF REPLY NO.A3-423/15 DATED 03.02.2015 ISSUED BY THE
3RD RESPONDENT TO THE 4TH RESPONDENT.

EXT.P5(A) : A COPY OF THE ENGLISH TRANSLATION OF EXHIBIT.P5.

RESPONDENTS' EXHIBITS:

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P(C).No. 5633 of 2015

Dated this the 25th February, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 3 to 5, in view of the order, which is being passed.

2. By this Writ Petition the petitioner has prayed for a mandamus directing respondents 1 and 2 to afford adequate police protection to the petitioner for conducting business in room No.VII/367E of the Karimukul shopping complex let to him by the 3rd respondent by considering Exhibit P4. The petitioner's case is that the petitioner has been given a shop room by the Panchayat and the fourth respondent was directed to work in the shop room, since the petitioner's sister was ill. It is submitted that now the fourth respondent is causing obstruction in running the business of the petitioner.

3. The learned Government Pleader, on instruction, submits that it is true that the shop room has been given by the Panchayat to the petitioner, but according to the learned Government Pleader, the fourth respondent is the sub-tenant of the petitioner. It is submitted that the Police cannot interfere in the matter and the petitioner may either approach the Panchayat or obtain order from the appropriate Court. Learned counsel for the petitioner denies the above fact and submits that the shop room was never sublet to the fourth respondent.

4. In view of the above matter, this Court cannot issue any direction to the Police authorities. It is open for the petitioner to approach the Panchayat or the competent Court to obtain appropriate orders.

With the above observation, the Writ Petition is closed.

**ASHOK BHUSHAN
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**