

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

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 7381 of 2015 (W)

PETITIONER(S) :-

JAYAPRAKASH.B, BETHEL HOUSE, KOVALAM P.O.
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.V.VARGHESE

RESPONDENT(S) :-

1. THE STATE POLICE CHIEF
POLICE HEADQUARTERS, THIRUVANANTHAPURAM.
2. THE DISTRICT POLICE CHIEF, THIRUVANANTHAPURAM.
3. THE CIRCLE INSPECTOR OF POLICE
VIZHINJAM CIRCLE, THIRUVANANTHAPURAM DISTRICT.
4. THE SUB INSPECTOR OF POLICE
KOVALAM POLICE STATION, THIRUVANANTHAPURAM DISTRICT.
5. SMT. S.PATHUMUTHU, W/O LATE S. HANEEF,
FATHIMA GAS SERVICE, KOVALAM JUNCTION, KOVALAM
THIRUVANANTHAPURAM DISTRICT.

R1 TO R4 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT P1: TRUE COPY OF THE JUDGMENT DATED 21.1.2015 OF THIS HON'BLE COURT IN WPC NO.1318/2015.

EXHIBIT P2: TRUE COPY OF THE ORDER DATED 30.1.2015 OF THIS HON'BLE COURT IN R.P.NO.109/2015 IN WPC NO.1318/2015.

EXHIBIT P3: TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER ON 4.2.2015 BEFORE THE 1ST RESPONDENT.

EXHIBIT P3(a): TRUE ENGLISH TRANSLATION OF EXT.P3.

EXHIBIT P4: TRUE COPY OF THE REPORT DATED 9.2.2015 SUBMITTED BY THE ADVOCATE COMMISSION BEFORE THE MUNSIF'S COURT, THIRUVANANTHAPURAM.

EXHIBIT P4(a): TRUE ENGLISH TRANSLATION OF EXT.P4.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.7381 of 2015

Dated this the 9th day of March 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard the learned counsel for the petitioner and the learned Government Pleader.

2. No notice is required to be issued to respondent No.5 in view of the order, which is being passed in the writ petition.

3. The grievance raised by the petitioner in the writ petition is that under the guise of the judgment dated 21.1.2015 passed in W.P.(C) No.1318 of 2015 filed by the 5th respondent herein, the 5th respondent is taking steps to do something more which is not permitted by the said judgment. It is submitted that a direction was issued in favour of the 5th respondent herein granting police protection to carry out the construction or repair of security wall of the compound in which the godown of the petitioner is situated. We, in our judgment dated 21.1.2015 held as follows :-

"Having regard to the fact that the petitioner is carrying on a commercial activity which require appropriate security measures,

-: 2 :-

and to continue the business activity the construction of compound wall is absolutely necessary, if any law and order situation or obstruction is caused by the fifth respondent, the police is bound to ensure maintenance of law and order.

In such circumstances, the writ petition is allowed as under :-

Third and fourth respondents shall ensure that no law and order situation arises in the matter relating to construction or repair of security wall of the compound in which the godown of the petitioner is situated."

4. The relevant portion of the judgment of this Court as quoted above was only with regard to providing police protection for the construction or repair of security wall of the compound in which the godown of the petitioner is situated. The protection was not with regard to any other matter apart from construction or repair of security wall. In any event, if there are any other actions being taken by the 5th respondent herein, it is open for the petitioner to seek appropriate measures as envisaged under the law.

With the above observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE