

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

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 8592 of 2015 (Y)

PETITIONER(S) :

RAJEEV MOHANDAS, S/O.MOHANDAS AGED 50 YEARS
'SUN BEAMS', BILATHIKULAM ROAD, KOZHIKODE-673011

BY ADVS.SRI.M.RAMESH CHANDER (SR.)
SRI.ANEESH JOSEPH
SMT.DENNIS VARGHESE

RESPONDENT(S) :

1. THE COMMISSIONER OF POLICE
KOZHKODE SOUTH - 673 011.

2. KOZHIKODE TOWN POLICE STATION
REPRESENTED BY STATION HOUSE OFFICER. 673 011.

3. RAVINATH MOHANDAS, AGED 48 YEARS
S/O.LATE V.MOHANDAS, "RAAG RANG"
BILATHIKULAM ROAD KOZHIKODE- 673 011.

BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 19-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C).No. 8592 of 2015 (Y)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 - PHOTOSTAT COPY OF THE DEED OF
RETIREMENT EXECUTED BY THE 3RD RESPONDENT

EXT.P2 - PHOTOSTAT COPY OF THE IRREVOCABLE
AGREEMENT WAS ALSO ENTERED BETWEEN THE
PARTIES

EXT.P3 - PHOTOSTAT COPY OF THE
ACKNOWLEDGEMENT RECEIPT ISSUED BY 2ND
RESPONDENT ALONG WITH ENGLISH TRANSLATION.

EXT.P4 - PHOTOSTAT COPY OF THE PLAINT IN OS
220/2013 BEFORE THE SUBORDINATE JUDGE
KOZHIKODE.

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

.....
W.P. (C) No. 8592 of 2015 – Y
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Dated this the 19th day of March, 2015.

JUDGMENT

Ashok Bhushan, Ag.CJ.

Heard the learned counsel for the petitioner, learned State Attorney as well as the learned counsel appearing for the 3rd respondent.

2. By this Writ Petition, the petitioner has prayed for the following relief:

- i) Issue a writ of mandamus or any other appropriate writ, order or direction directing or compelling respondents 1 & 2 to grant adequate and sufficient police protection to the firm namely; Sri.Venkatesh Naik Mohandas and Sons, situated at Palayam Road in Kozhikode, the petitioner his employees, his

customers and for free ingress and egress the shop and also direct the respondents 1 & 2 to afford sufficient police protection to the life of the petitioner, his employees, his customers, pending disposal of the above Writ Petition”.

3. Petitioner's case in the Writ Petition is that petitioner and the 3rd respondent were partners of a firm known as 'Sri.Venkatesh Naik Mohandas and Sons'. The third respondent has retired from the firm and the deed of retirement was also executed. Petitioner has also filed a suit being O.S. No. 220 of 2013 which is said to be pending.

4. The learned counsel for the third respondent submits that since terms and conditions of the deed were violated by the petitioner, he is still continuing as partner of the firm. He submits that an application for interim injunction has also been filed by the petitioner in the said suit.

5. Learned counsel for the petitioner has referred to an

order passed by the Sales Tax Authorities. He also submits that the third respondent is creating obstruction to the ingress and egress of the shop and they have informed the police over telephone but no action has been taken by the police.

6. Learned State Attorney, on instructions, submitted that no complaint has been submitted before the police regarding any obstruction to the ingress and egress of the shop. He submits that if any complaint is received, it shall be looked into by the police and appropriate action will be taken.

7. In view of the fact that this is a petition for police protection, we do not intend to proceed or examine the respective claim of the parties regarding retirement or continuance of the 3rd respondent in the firm. That is the issue which has to be examined in the pending civil suit or any other appropriate proceedings. We only observe that if there is any obstruction regarding ingress and egress to the petitioner's shop,

on complaint of the petitioner to the concerned police station, the same shall be looked into by the police and the needful be done.

With this observation, this Writ Petition is closed.

Sd/-ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/-A.M.SHAFIQUE,
JUDGE

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/truecopy/

P.S. to Judge