

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 12257 of 2014 (F)

PETITIONERS :-

1. DR.NANDAGOPAL, CHAIRMAN AND FOUNDER TRUSTEE
V.N.PUBLIC HEALTH AND EDUCATIONAL TRUST
ODAYAPPA MEDICAL COLLEGE AND HOSPITAL, WALAYAR
PUDUSSERY POST, PUDUSSERY VILLAGE, PALAKKAD - 678 628.
2. G. RAVI BALAN, MANAGING TRUSTEE AND SECRETARY
V.N. PUBLIC HEALTH AND EDUCATIONAL TRUST
ODAYAPPA MEDICAL COLLEGE AND HOSPITAL, WALAYR
PUDUSSERY POST, PUDUSSERY VILLAGE, PALAKKAD - 678 628.
3. V.N. PUBLIC HEALTH AND EDUCATIONAL TRUST,
NO.36, AVP LAY OUT, GANDHI NAGAR 4TH STREET
TIRUPUR-641 603
REPRESENTED BY ITS MANAGING TRUSTEE &
SECRETARY - G.RAVI BALAN

BY ADVS.SRI.V.V.ASOKAN (SR.)
SRI.K.I.MAYANKUTTY MATHER
SRI.R.JAIKRISHNA

RESPONDENTS :-

1. STATE OF KERALA REPRESENTED BY HOME SECRETARY,
HOME DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. THE STATE POLICE CHIEF & DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM - 695 001.
3. THE DISTRICT POLICE CHIEF
(THE SUPERINTENDENT OF POLICE),
PALAKKAD, S.P.OFFICE, PALAKKAD - 678 014.

4. THE CIRCLE INSPECTOR OF POLICE
PUTHUSSERY, POLICE CIRCLE OFFICE, PUTHUSSERY
PALAKKAD - 674 581.
5. THE SUB INSPECTOR OF POLICE
WALAYAR POLICE STATION, WALAYAR, PALAKKAD - 678 541.
6. O. KANNAPPAN
S/O.ODIYAPPA CHETTIAR, DOOR NO.376, MADURAI ROAD
THENI, TAMIL NADU - 625 531.
7. K. ODIYAPPAN (DELETED)
DOOR NO.376, MADURAI ROAD, THENI
TAMIL NADU - 625 531.
8. K. ALAMELU (DELETED)
D/O.KANNAPPAN, DOOR NO.376, MADURAI ROAD
THENI, TAMIL NADU - 625 531.

RESPONDENTS 7 AND 8 ARE DELETED FROM THE PARTY ARRAY AS PER
ORDER DT.2.6.2014 IN I.A.No.6922/2014.

9. V. ANIL KUMAR
S/O.CHATHUKUTTY, ATHOLI, ERANJIPPALAM
KOZHIKODE - 673 315.

R6 BY ADV. SRI.S.RADHAKRISHNAN
SRI.S.RAJ MOHAN
SMT.V.M.RUSHDA
KUM.R.ANJALI

R1 - R5 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN
R9 BY ADV. SRI.P.SANJAY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

WP(C).No. 12257 of 2014 (F)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT P1 : TRUE COPY OF THE TRUST DEED.

EXHIBIT P2 : TRUE COPY OF THE ESSENTIALITY CERTIFICATE ISSUED BY
THE HEALTH DEPARTMENT, GOVERNMENT OF KERALA.

EXHIBIT P3 : TRUE COPY OF THE SUPPLEMENTAL TRUST DEED NO.535/2005

EXHIBIT P4 : TRUE COPY OF THE INTERIM INJUNCTION ORDER IN
O.S.NO.283/2008, MUNSIF COURT, PALAKKAD.

EXHIBIT P4(a) : TRUE COPY OF THE APPLICATION (IA 861/2009) IN
OS.NO.283/2008 MUNSIF COURT, PALAKKAD.

EXHIBIT P4(b) : TRUE COPY OF THE ORDER IN IA NO.861/2009 IN OS
NO.283/2008, MUNSIF COURT, PALAKKAD.

EXHIBIT P5 : TRUE COPY OF THE JUDGMENT IN WP(C) NO.27905/2011.

EXHIBIT P6 : TRUE COPY OF THE SUPPLEMENTAL TRUST DEED.

EXHIBIT P7 : TRUE COPY OF THE JUDGMENT IN WP(C) 11753/2013.

EXHIBIT P8 : TRUE COPY OF THE ORDER OF THE SUB COURT, PALAKKAD IN
IA NO.4065/2013 IN OS 387/2013.

EXHIBIT P9 : TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE
5TH RESPONDENT.

EXHIBIT P10 : TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE
3RD RESPONDENT.

RESPONDENT(S) ' EXHIBITS :-

EXHIBIT R6(a) : TRUE COPY OF THE JUDGMENT PASSED BY THIS HONOURABLE
COURT IN WP(C) No.2288 OF 2011 DATED 11.2.2011.

EXHIBIT R6(b) : TRUE COPY OF THE ABOVE SAID ORDER IN I.A.No.1740 OF
2008 IN OS No.283 OF 2008 DATED 15.6.2010.

EXHIBIT R6(c) : TRUE COPY OF THE ABOVE SAID ORDER IN I.A.No.861 OF
2009 IN O.S.No.283 OF 2008 DATED 12.3.2009.

EXHIBIT R6(d) : TRUE COPY OF THE CODICIL DATED 19.7.2005.

EXHIBIT R6(e) : TRUE COPY OF THE COMPLAINT FILED BY THE 6TH
RESPONDENT AGAINST THE 2ND PETITIONER AND 2 OTHERS DATED 16.2.2013.

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.12257 of 2014

Dated this the 28th day of May 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents.

2. This writ petition has been filed seeking for police protection to the petitioner and their employees to enter the trust property and to carry out work and to carry on the administration therein without any interference from respondents 6 to 9.

3. Learned counsel appearing for both parties would submit that a suit as O.S.No.283 of 2008 is already pending pertaining to the dispute with the trust. It is submitted by the learned counsel appearing for both parties that orders have also been passed in the civil suit against the parties.

4. Since the dispute between the parties pertaining to a trust and a civil suit is pending, we see no reason to entertain the writ petition for police protection. It is open for the parties

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to approach the civil court for appropriate orders, if advised.

With the above observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

Jvt