

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 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).No. 12708 of 2015 (K)  
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PETITIONER :  
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THE KEREALA EDUCATIONAL DEVELOPMENT AND EMPLOYMENT  
SOCIETY(KEDES) AGED 65 YEARS, A REGISTERED SOCIETY  
REPRESENTED BY ITS SECRETARY, BALAGOPAL  
S/O.P.N. PANICKER, HAVING ITS OFFICE AT 509  
SANGEETH NAGAR, THYCAUD, THIRUVANANTHAPURAM.

BY ADVS.SMT.PRABHA R.MENON  
SRI.R.MANOJ

RESPONDENTS :  
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1. THE STATE OF KERALA  
REPRESENTED BY THE SECRETARY, DEPARTMENT OF HOME  
STATE SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE STATE POLICE CHIEF,  
POLICE HEAD QUARTERS, VAZHUTHACAUD  
THIRUVANANTHAPURAM - 699 012.
3. THE DISTRICT COLLECTOR, KOLLAM - 691 001.
4. THE DISTRICT POLICE CHIEF (RURAL), KOLLAM - 691 001.
5. THE STATION HOUSE OFFICER,  
SUB INSPECTOR OF POLICE, CHATHANNOOR POLICE STATION  
CHATHANNOOR, KOLLAM - 691 001.
6. SUNNY, KUZHIVILAVEEDU, EROM, CHATHANNOOR  
KOLLAM - 691 001.
7. SANTHOSH KUMAR, THOTTATHIL VEEDU, EROM,  
CHATHANNOOR, KOLLAM - 691 001.
8. JACOB VARGHESE, MANDALAM PRESIDENT,  
INDIAN NATIONAL CONGRESS, CHATHANNOOR.

9. BALAKRISHNAN, MANDALAM SECRETARY, RSP, CHATHANNOOR.
10. SURESH KUMAR, CHAIRMAN, 'VANCHI CLAY MINES ACTION COUNCIL",  
CHATHANNOOR.

R1 TO R5 BY SR.GOVERNMENT PLEADER, SRI. C.R. SYAM KUMAR

R6 TO R10 BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY

SMT.N.SANTHA

SRI.K.A.BALAN

SRI.SAJU JOHN

SRI.V.VARGHESE

SRI.PETER JOSE CHRISTO

SRI.S.A.ANAND

SMT.K.N. REMYA

SMT.AMMU PILLAI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

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EXHIBIT-P1-TRUE COPY OF THE BOOKLET PUBLISHED BY CAPART RECOGNISING THE SERVICE OF THE SOCIETY.

EXHIBIT-P2-TRUE COPY OF THE PROCEEDINGS OF THE GENERAL MANAGER OF THE DISTRICT INDUSTRIES CENTRE, KOLLAM DATED 30/03/1992.

EXHIBIT-P2(A)-TRUE COPY OF THE ARTICLES OF AGREEMENT FOLLWOING TO EXHIBIT-P2.

EXHIBIT-P3-TRUE COPY OF THE PHOTOGRAPHS SHOWING THE RESPECTIVE TRESPASS.

EXHIBIT-P4-TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT POLICE CHIEF (RURAL) DATED 16/04/2015.

EXHIBIT-P4(A)-TRUE COPY OF THE TRANSLATION OF EXHIBIT-P4.

EXHIBIT-P5-TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE SUB INSPECTOR OF POLICE, CHATHANNOOR DATED 16/04/2015

EXHIBIT-P5(A)-TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-P5.

EXHIBIT P6 : TRUE PHOTOGRAPHS.

EXHIBIT P7 : TRUE COPY OF THE LETTER NO.ME2-3211/1992 DATED 07/03/94.

EXHIBIT P8 : TRUE COPY OF THE RELEVANT PAGES OF ORDERS OF THE MINISTRY OF HUMAN RESOURCES DATED 05/02/2002.

EXHIBIT P9 : TRUE COPY OF THE COMMUNICATION ISSUED BY THE PRINCIPAL DIRECTOR OF AUDIT (CENTRAL, CHENNAI) DATED 28/05/2015.

RESPONDENTS' EXHIBITS :

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EXT.R6(A) : TRUE COPY OF THE LETTER NO.L11/3211/1992 DATED 28.04.2008 OF THE GENERAL MANAGER OF THE DISTRICT INDUSTRIES CETNRE, KOLLAM.

EXT.R6(B) : TRUE COPY OF THE RESOLUTION NO.V(1) DATED 10.12.2014.

EXT.R6(C) : TRUE COPY OF THE FREE ENGLISH TRANSLATION OF EXT.R6(B).

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EXT.R6(D) : TRUE COPY OF THE REPRESENTATION FILED BY VANCHI CLAY MINES  
SAMRAKSHANA SAMITHI BEFORE THE HON'BLE CHIEF MINISTER  
OF KERALA.

EXT.R6(F) : TRUE COPY OF the FORWARDING LETTER DATED 18.12.2014.

EXT.R6(G) : TRUE COPY OF THE FREE ENGLISH TRANSLATION OF EXT.R6(F).

EXT.R6(H) : TRUE COPY OF THE PHOTOGRAPH SHOWING THE NAME BOARD  
"JAN SHIKSHAN SANSTHAN" IN THE SOCIETY BUILDING.

/TRUE COPY/

PA TO JUDGE

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

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**W.P(C).No. 12708 of 2015**  
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**Dated this the 18<sup>th</sup> June, 2015**

**JUDGMENT**

**Shaffique, J.**

Petitioner, an organisation represented by the Secretary, has approached this Court inter alia contending that respondents 6 and 7 under the guise of some organisations are preventing the petitioner from utilising the property in their possession. It is stated that the petitioner is a Society carrying on certain activities in an area of 1.5 acres of land in Sy.Nos.3583, 3585, 3586, 3588 and 3589 of Erom Middle Ward, Meenadu Village, Chathannoor Panchayath. The land has been allotted by the General Manager, District Industries Centre, Kollam and they have been functioning ever since 1992. Though some manufacturing process was being conducted in the premises, later on the activities are changed and

education is being imparted to various programmes of the State as well as the Central Government. While so, respondents 4 and 5 have interfered in the matter and have closed the gate and put up a structure in front of it and is preventing the petitioner and their workers from entering into the premises under the guise that the land has to be taken back by the Government. Though complaints were given to the Police for necessary protection, no action has been taken and therefore, the petitioner has approached this Court.

2. Counter affidavit has been filed by respondents 6 to 10 after impleading respondents 8 to 10 in the case, inter alia contending that they have not obstructed possession of the property by the petitioner, whereas the intention of the petitioner is to reclaim a pond having an extent of about 40 cents within their premises, which would affect the entire water source in the area. That apart, it is submitted that the petitioner is not carrying on any activity in the premises and was not permitted to

conduct any education programme without permission from the competent authorities. Respondents 6 to 10 have also produced documents to indicate that the General Manager, District Industries Centre had taken note of the fact that no activities have been carried on in the said premises and therefore, the land has to be surrendered back to the District Industries Centre. However, it is made clear that they have no objection in the petitioner retaining possession and they assert that they have not obstructed the movement of men and vehicles into the said premises. Their apprehension is only with respect to the pond being reclaimed by the petitioner.

3. Learned counsel for the petitioner, however, submits that they have no intention to reclaim the said pond as alleged. They have only promoted a plan to repair the pond for the purpose of distributing water to the people of the locality. Further, the private respondents have no right to prevent the petitioner from carrying on any activity within the premises and if at all the

Government wants to repossess the land, it has to be done by the Government in accordance with the procedure prescribed.

4. Prima facie we do not intend to make any observation regarding the activities undertaken by the petitioner. Since the property is admittedly allotted to the petitioner and the petitioner is in possession of the same, the private respondents may not have any right to obstruct the activities of the petitioner and the ingress and egress of the petitioner in the property. If there is any such obstruction, it is for the Police to ensure that the law and order is maintained and no such obstruction is being created.

5. As far as the notice issued by the District Industries Centre is concerned, we do not intend to express any opinion regarding the same and it is for the said authority to take appropriate steps in accordance with the procedure prescribed.

In the result, the Writ Petition is disposed of directing the fifth respondent to ensure that there is no obstruction from the private respondents regarding the ingress and egress of the petitioner in respect of the aforesaid property, and shall also ensure law and order to be maintained in the area.

**ASHOK BHUSHAN  
CHIEF JUSTICE**

**A.M.SHAFFIQUE  
JUDGE**

vgs19/6/15