

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.15781 of 2015 (W)

PETITIONER'S:

1. **SURESH THOMAS @ CHACKOCHAN,
S/O.THOMAS,CHEMPAKATHINAL,ERANHI POST.**
2. **SIBY M.JOSEPH,MANOOR HOUSE,
MUKKADA POST,KARIKATTOOR.**
3. **JOSEPH C. @ JUSTIN,S/O.CHACKO,
CHIRAKKALAKATH,KOORUVAMAZHI POST,ERUMELI.**
4. **JAISON,S/O.MATHAI AUGUSTINE,
NELLIKUNNEL HOUSE,AVOLY POST,ENANELLUR.**

**BY ADVS.SRI.MATHEW JOHN (K)
SRI.DOMSON J.VATTAKUZHAY**

RESPONDENT'S:

1. **THE KARUKACHAL GRAMA PANCHAYAT,
KARUKACHAL POST-686540,KOTTAYAM DISTRICT,
REPRESENTED BY ITS SECRETARY.**
2. **SECRETARY,THE KARUKACHAL GRAMA PANCHAYAT,
KARUKACHAL POST-686540,KOTTAYAM DISTRICT.**
3. **THE SUB INSPECTOR OF POLICE,
KARUKACHAL POLICE STATION,
KARUKACHAL POST-686540,KOTTAYAM.**
4. **MADHU,S/O.SREEDHARAN,ERUMBUKUZHI HOUSE,
SHANTHIPURAM POST,KARUKACHAL-686545.**
5. **SUKUMARAN,S/O.PACHU,KORANDITHANAM HOUSE,
ERUMBUKUZHI,SHANTHIPURAM POST,KARUKACHAL-686545.**
6. **RAJESH,S/O.MADHAVAN,KULATHINGAL HOUSE,
ERUMBUKUZHI,SHANTHIPURAM POST,KARUKACHAL-686545.**

R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY THE REGISTRAR OF SOCIETIES.**
- EXT.P1(a): ENGLISH TRANSLATION OF EXT.P1.**
- EXT.P2: TRUE COPY OF THE LETTER DT.5-8-2014 BY THE PINEAPPLE AND RUBBER GROWERS ASSOCIATION.**
- EXT.P2(a): ENGLISH TRANSLATION OF EXHIBIT P2.**
- EXT.P3: TRUE COPY OF THE WRITE-UP.**
- EXT.P4: TRUE COPY OF THE ARTICLE PUBLISHED BY DR.P.P.JOY, ASSOCIATE PROFESSOR.**
- EXT.P5: TRUE COPY OF THE LEAFLET PUBLISHED BY THE PINEAPPLE AND RUBBER GROWERS ASSOCIATION.**
- EXT.P5(a): ENGLISH TRANSLATION OF EXT.P5.**
- EXT.P6: TRUE COPY OF THE WRITE-UP IN THE MATHRUBHUMI DAILY DT.28-6-2014.**
- EXT.P6(a): ENGLISH TRANSLATION OF EXT.P6.**
- EXT.P7: TRUE COPY OF THE AGREEMENT BETWEEN THE 3RD PETITIONER AND D.ANILKUMAR DT.11-4-2014.**
- EXT.P7(a): ENGLISH TRANSLATION OF EXT.P7.**
- EXT.P8: TRUE COPY OF THE REPLY DT.20-11-2014 BY THE SECRETARY.**
- EXT.P8(a): ENGLISH TRANSLATION OF EXT.P8.**
- EXT.P9: TRUE COPY OF THE PETITION BEFORE THE R3 BY THE 3RD PETITIONER.**
- EXT.P9(a): ENGLISH TRANSLATION OF EXT.P9.**
- EXT.P10: TRUE COPY OF THE CERTIFICATE ISSUED BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, KARUKACHAL DT.5-9-2014.**
- EXT.P10(a): ENGLISH TRANSLATION OF EXT.P9.**
- EXT.P11: TRUE COPY OF THE ORDER IN WPC NO.22083/14 DT.28-8-2014.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

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

W.P.C.No.15781 of 2015

Dated this the 28th day of May 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioner and the learned State Attorney. No notice is being issued to respondents 4 to 6 in view of the judgment being passed today.

2. By this writ petition, the petitioner has prayed for a direction to the 3rd respondent to afford adequate police protection to the petitioners and his workmen to proceed with the cultivation of pineapple as an intercrop in the rubber plantation pursuant to Ext.P7 agreement without any interference from respondents 4 to 6. Petitioner's case is that respondents 4 to 6 are causing interference with the allegation that petitioners are using pesticides which are banned and harmful to the health of the respondents.

3. Learned State Attorney, after obtaining instructions, would submit that complaints were received by them from the petitioners and private respondents on which both the parties were called and they appeared before the police authorities on 24/09/2014 and the matter was settled. He submits that no further complaints have been received from the petitioners in that regard.

In that view of the matter, we are of the view that this writ petition need not be entertained. However, if any obstruction is created by private respondents, it is always open for the petitioners to file necessary complaint before the police who shall look into the matter and take appropriate action, in accordance with law.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

