

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 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 16568 of 2015 (U)

PETITIONER(S) :

ANVER SADATH AGED 38 YEARS
S/O. ABDUL SALAM HASSAN, SALAMS HOUSE, VPS-2TC 19/2369
VATTAVILLA THIRUMALA VILLAGE
THIRUVANANTHAPURAM REPRESENTED BY
HIS POWER OF ATTORNEY SMT.LAKSHMI G
W/O. K.VINURAJ, 57/2012, KUZHUVELIL HOUSE
LAYAM ROAD, ERNAKULAM, KOCHI - 682 011.

BY ADVS.SRI.ABRAHAM MATHEW (VETTOOR)
SMT.BINI ELIZABETH
SRI.SRI.ANIL ABEY JOSE

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
HOME AFFAIRS, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.

2. THE DISTRICT SUPERINTENDENT OF POLICE
PYNABU, IDUKKI - 685 603.

3. THE DEPUTY SUPERINTENDENT OF POLICE KATTAPANA - 685 508.

4. THE CIRCLE INSPECTOR OF POLICE
NEDUMKANDAM - 685 553.

5. THE SUB INSPECTOR OF POLICE
CUMBUMMETTU - 685 551.

6. NADARAJA PILLAI
S/O. DIVAKARAN PILLAI, KRISHNAVILASAM HOUSE
KURUVILKANAM, RAMAKKALMEDU P.O., KALLAR VIA - 685 552.

7. PRASAD
S/O. BHARGAVAN, THOTTAYITHRAYIL HOUSE, KURUVILKANAM
RAMAKKALMEDU P.O., KALLAR VIA - 685 552.

8. KRISHNAPILLAI
S/O. DIVAKARAN PILLAI, KRISHNAVILASAM HOUSE
KURUVILKANAM, RAMAKKALMEDU P.O., KALLAR VIA - 685 552.

WP(C).No. 16568 of 2015

9. VISWANADHAN
S/O. SANKARAN PILLAI, PAVITTERI HOUSE, KURUVIKKANAM
RAMAKKALMEDU P.O., KALLAR VIA - 685 552.
10. RENJITH
S/O. KRISHAN PILLAI, KRISHNAVILASAM HOUSE, KURUVIKKANAM
RAMAKKALMEDU P.O., KALLAR VIA - 685 552.
11. BINOY
S/O. CHACKO, PUTHENPURACKAL HOUSE, KURUVIKKANAM
RAMAKKALMEDU P.O., KALLAR VIA - 685 552.
12. SIBI
S/O. CHACKO, PUTHENPURACKAL HOUSE, KURUVIKKANAM
RAMAKKALMEDU P.O., KALLAR VIA - 685 552.
13. SATHYAN
S/O. GANGADHARAN, KAKKANASSERIL HOUSE, KURUVIKKANAM
RAMAKKALMEDU P.O., KALLAR VIA - 685 552.
14. GOPI
S/O. ACHUTHAPANICKER, ANOOP BHAVAN, KOOTAR P.O.
KURUVIKKANAM, KALLAR VIA - 685 552.
15. AMBUJAKSHAN
VANAJA VILASAM HOUSE, KURUVIKKANAM, RAMAKKALMEDU P.O.
KALLAR VIA - 685 552.
16. ANOOP
S/O. AMBUJAKSHAN, VANAJA VILASAM HOUSE, KURUVIKKANAM
RAMAKKALMEDU P.O., KALLAR VIA - 685 552.
17. ABHILASH
S/O. BAB, PARAYIL PUTHANVEEDU, KURUVIKKANAM
RAMAKKALMEDU P.O., KALLAR VIA - 685 552.
18. SAHID
ROADARIKATHU VEEDU, KURUVIKKANAM, RAMAKKALMEDU P.O.
KALLAR VIA - 685 552.
19. OMANAKUTTAN
S/O. PRABHAKARAN KURUVIKKATTU HOUSE, KURUVIKKANAM
RAMAKKALMEDU P.O., KALLAR VIA - 685 552.
20. APPUKUTTAN
SATHEESH BHAVAN, KURUVIKKANAM, RAMAKKALMEDU P.O.
KALLAR VIA - 685 552.
21. CHANDRAN
S/O. ACHUTHAPPANICKAR, BLOCK NO. 1035, KURUVIKKANAM
RAMAKKALMEDU P.O., KALLAR VIA - 685 552.
22. ARUN
S/O. PRAMOD, MADATHUVILA HOUSE, KURUVIKKANAM
RAMAKKALMEDU P.O., KALLAR VIA - 685 552.
23. SOMAN
S/O. SANKUNNI PILLAI, OLICKAL HOUSE, KURUVIKKANAM
RAMAKKALMEDU P.O., KALLAR VIA - 685 552.

WP(C).No. 16568 of 2015

24. SULAIMAN
S/O. PAREED RAWTHAR, THANNIVLA HOUSE, KURUVIKKANAM
KOTTOR P.O., KALLAR VIA - 685 552.

25. O.S.JAYAKUMAR
S/O.SANKUNNI PILLAI, OLICKAL HOUSE, KURUVIKKANAM
RAMAKKALMEDU P.O., KALLAR VIA - 685 552.

26. BABU
PARAYIL PUTHEN VEEDU, KURUVIKKANAM, KOTTOR P.O.
KALLAR VIA - 685 552.

27. PRASANNA KUMAR
THANIVILAYIL, KURUVIKKANAM, KOTTOR P.O.
KALLAR VIA - 685 552.

28. MOHANAN
KARUVEL HOUSE, EDATHARAMUKKU, KOTTOR P.O.
KALLAR VIA - 685 552.

29. MOHSEEN
S/O. SAHID, ROADARIKATHU VEEDU, KURUVIKKANAM
RAMAKKALMEDU P.O., KALLAR VIA - 685 552.

30. SOOSI ANTONY
PRESIDENT, KARUNAPURAM GRAMA PANCHAYATH, KOOTAR P.O.
KALLAR VIA - 685 552.

R1 TO R5 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 - A TRUE COPY OF THE BASIC TAX RECEIPT NO. 4111985 DT. 18.5.15.
P1(A) - A TRUE ENGLISH TRANSLATION OF THE EXT. P1.
P2 - A TRUE COPY OF THE BASIC TAX RECEIPT NO. 4111986 DT. 18.5.15.
P2(A) - A TRUE ENGLISH TRANSLATION OF THE EXT. P2.
P3 - A TRUE COPY OF THE POSSESSION CERTIFICATES DT.20.8.14.
P4 - A TRUE COPY OF THE POSSESSION CERTIFICATES DT. 20.8.14.
P5 - A TRUE COPY OF THE SKETCH SHOWING THE LIE AND LOCATION OF THE PROPERTIES.
P6 - A TRUE COPY OF THE ORDER PASSED BY THE VACATION JUDGE, THODUPUZHA IN IA O. 786/2015 DT. 30.4.15.
P6(A) - A TRUE ENGLISH TRANSLATION OF THE EXT. P6.
P7 - A TRUE COPY OF THE REPORT SUBMITTED BY THE ADVOCATE COMMISSIONER DT. 13.5.15
P7(A) - A TRUE ENGLISH TRANSLATION OF THE EXT. P7.
P8 - A TRUE COPY OF THE REPORT SUBMITTED BY THE ADVOCATE COMMISSIONER DT. 19.5.15.
P8(A) - A TRUE ENGLISH TRANSLATION OF THE EXT. P8.
P9 - A TRUE COPY OF THE PETITION ALONG WITH ACKNOWLEDGMENT SUBMITTED BEFORE THE 5TH RESPONDENT DT. 12.5.15.
P9(A) - A TRUE ENGLISH TRANSLATION OF THE EXT. P9.
P10 - A TRUE COPY OF THE COMPLAINT TO THE POLICE AUTHORITIES DT. 23.5.15.
P10(A) - A TRUE ENGLISH TRANSLATION OF THE EXT. P10.
P11 - A TRUE COPY OF THE REPRESENTATION TO THE POLICE ALONG WITH THE ACKNOWLEDGMENT ISSUED BY THE 5TH RESPONDENT DT. 23.5.15.
P11(A) - A TRUE ENGLISH TRANSLATION OF THE EXT. P11.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No.16568 of 2015

Dated this the 4th June, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the petitioner and the learned State Attorney. No notice is being issued to respondents 6 to 30, in view of the order, which is being passed.

2. The petitioner in this Writ Petition has prayed for a direction to afford sufficient protection to the petitioner, his father, Estate Manager and workers and their family members for their free ingress and egress in the property as against respondents 6 to 30. The petitioner's case is that the petitioner being owner of the property and there being undue trespass and obstruction, a civil suit was filed in which an interim order has already been passed on 30.4.2015. He submitted that in spite of the interim order, there has been several cases of trespass and threatening and the petitioner is being obstructed from entering into his property by the private respondents. A complaint in this connection has been filed and one of the complaints is Exhibit P10 dated 23.5.2015.

3. The State Attorney, on instructions, submitted that after receiving the complaint, a crime has been registered and steps are being taken by the Police authorities for investigation. He submitted that thereafter no complaints have been received from the petitioner.

4. In the above facts of the case, we are of the view that the Police authorities may ensure that law and order is maintained in the area. We further observe that in the event any offence is committed or there is attempt to commit offence by any of the respondents or any other person, it shall be open for the petitioner to file complaint before the 5th respondent, which may be looked into and appropriate action will be taken.

With the above observation, the Writ Petition is closed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs4/6/15