

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN  
&  
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

WP(C).No. 17599 of 2015 (Y)  
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PETITIONER :  
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K.G.YAHIYA RAVUTHAR  
PROPRIETOR, BABUS BAKERY, R/O.SHEEBA MANZIL  
SOUTH GATE  
VAIKOM (LICENCE HOLDER AND OCCUPANT OF  
VAIKOM MUNICIPALITY BUILDING NO.VII/562)

BY ADVS.SRI.P.HARIDAS  
SRI.P.C.SHIJIN

RESPONDENTS :  
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1. STATE OF KERALA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF HOME AFFAIRS,  
THIRUVANANTHAPURAM, PIN 695 001.
2. THE DISTRICT POLICE CHIEF  
KOTTAYAM DISTRICT, PIN 686 001.
3. DEPUTY SUPERINTENDENT OF POLICE  
PALA, KOTTAYAM DISTRICT, PIN 686 575.
4. CIRCLE INSPECTOR OF POLICE  
VAIKOM, KOTTAYAM DISTRICT, PIN 686 141.
5. SUB INSPECTOR OF POLICE  
JANAMYTHRI POLICE STATION, VAIKOM,  
KOTTAYAM DISTRICT, PIN 686 141.
6. MITHRALAL, PRESIDENT,  
VAIKOM NIYOJAKA MANDALAM COMMITTEE  
BHARATIYA JANATA PARTY, VAIKOM,  
KOTTAYAM DISTRICT, PIN 686 141.

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7. K.K.GANESAN,  
SECRETARY, VAIKOM AREA COMMITTEE  
COMMUNIST PARTY OF INDIA (MARXIST), VAIKOM  
KOTTAYAM DISTRICT, PIN 686 141.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
15-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

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P1:TRUE COPY OF THE LICENSE ISSUED BY THE MUNICIPALITY TO THIS PETITIONER  
DATED 05.06.2015.

P1 A:TRUE ENGLISH TRANSLATION OF EXHIBIT P1.

P2:TRUE PHOTOGRAPHS SHOWING THE PLANTING OF PARTY FLAT BY THE  
6TH RESPONDENT AND THEIR PARTY MEN.

P3:TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE  
THE 5TH RESPONDENT DATED 04.06.2015 ALONG WITH THE  
ACKNOWLEDGEMENT RECEIPT.

P3 A:TRUE ENGLISH TRANSLATION OF EXHIBIT P3.

P4:TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE  
THE 2ND RESPONDENT DATED 04.06.2015.

RESPONDENTS' EXHIBITS :

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NIL

/TRUE COPY/

PA TO JUDGE

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

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W.P.(C) No. 17599 OF 2015  
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Dated this the 15<sup>th</sup> day of June, 2015

**JUDGMENT**

**Ashok Bhushan, C.J.**

Heard learned counsel for the petitioner and learned Government Pleader. No notice is being issued to respondent Nos. 6 and 7 in view of the order which is being passed.

2. Petitioner has filed this writ petition praying for a direction to respondents 1 to 5 to render adequate, effective and meaningful protection to the life and properties of the petitioner, the customers of his shop and the properties of building No.VII/562 of Vaikom Municipality occupied by him and to ensure that petitioner can run his business without any obstruction and violence from respondents 6 and 7.

3. Learned Government after obtaining instructions submitted that the obstruction made was with regard to the unauthorised construction made by the petitioner and there being a settlement between the parties, the petitioner has demolished the unauthorised construction and as of now there is no threat or obstruction regarding the petitioner's business.

Recording the above submission, we closed the Writ Petition. We, however, observe that in the event, any offence is committed or there is any attempt to commit offence, it is always open for the petitioner to file appropriate complaint before the police authorities and the police authorities may look into the same and do the needful in accordance with law.

**Ashok Bhushan,  
Chief Justice.**

**A.M. Shaffique,  
Judge.**