

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 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WP(C) .No. 17878 of 2015 (H)

PETITIONER(S) :

1. SREERANJINI VENUGOPAL, AGED 52 YEARS
W/O.VENUGOPAL, MANAGING DIRECTOR
SANTHANPARA SPICE TOURISM INDIA PVT. LTD.
KANALMUKHAPPU, SANTHANPARA, SANTHANPARA P.O.
IDUKKI DISTRICT, (NOW RESIDING AT KANDATHIL HOUSE
CHUTTUPADU KARA, EDAPPALLY PO, KOCHI) .
2. SREEKALA
W/O.MOHANAN, DIRECTOR
SANTHANPARA SPICE TOURISM INDIA PVT. LTD.
KANALMUKHAPPU, SANTHANPARA, SANTHANPARA P.O.
IDUKKI DISTRICT, (NOW RESIDING AT KANDATHIL HOUSE
CHUTTUPADU KARA, EDAPPALLY PO, KOCHI) .

BY ADVS.SRI.SUMAN CHAKRAVARTHY
SRI.MARTINDAS V.JAMES (VATTAKKUZHIYIL)

RESPONDENT(S) :

1. THE DEPUTY SUPERINTENDENT OF POLICE
MUNNAR, MUNNAR PO, IDUKKI DISTRICT 685001.
2. THE CIRCLE INSPECTOR OF POLICE
DEVIKULAM, DEVIKULAM PO, IDUKKI DISTRICT 685001.
3. THE SUB INSPECTOR OF POLICE
SANTHANPARA POLICE STATION, SANTHANPARA
SANTHANPARA PO, IDUKKI DISTRICT 685619.
4. K.K.ASOKAN
S/O.PARAMU, KUTHIRAVATTATHU HOUSE, KARUMALLOOR KARA
KARUMALLOOR PO, ERNAKULAM DISTRICT 683511.
5. BABU
S/O.CHELLAPPAN, VAZHAVELIL HOUSE, PALLIKUNNU KARA
SANTHANPARA PO, IDUKKI 685619.
6. SOMARAJAN
S/O.RAMAKRISHNAN, VALLATTUTHARA HOUSE, CHERAI KARA
ERNAKULAM DISTRICT 683511.

R1-R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN
R4,R6 BY ADV. SRI.DINESH MATHEW J.MURICKEN
R5 BY ADV. SRI.KAROL MATHEWS SEBASTIAN ALENCHERRY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1:A TRUE COPY OF THE CERTIFICATE OF INCORPORATION

EXT.P2:A TRUE COPY OF THE BUSINESS BROCHURE

EXT.P3:A TRUE COPY OF THE PHOTOGRAPH

EXT.P4:A TRUE COPY OF THE PANCHAYAT LICENSE DATED 08.12.2014 ALONG WITH ITS ENGLISH TRANSLATION.

EXT.P5:A TRUE COPY OF THE COMPLAINT DATED 27.05.2015

EXT.P6:A TRUE COPY OF THE ACKNOWLEDGEMENT DATED 01.06.2015

RESPONDENT(S) ' EXHIBITS

EXT.R4 (a) : TRUE COPY OF THE TITLE DEED NO.1132/2008 OF SRO RAJAKUMARI EXECUTED IN FAVOUR OF 4th RESPONDENT DATED 3.6.2008.

EXT.R4 (a) (1) :TRUE ENGLISH TRANSLATION OF EXT.R4 (a) .

EXT.R4 (b) : TRUE COPY OF THE TITLE DEED NO.1130/2008 OF SRO RAJAKUMARI EXECUTED IN FAVOUR OF 6th RESPONDENT AND ANOTHER DATED 3.6.2008.

EXT.R4 (b) (1) :TRUE ENGLISH TRANSLATION OF EXT.R4 (b)

EXT.R4 (c) : TRUE COPY OF THE SKETCH SHOWING THE ENTIRE EXTENT OF 1.75 ACRES OF LAND IN SY.NO.82/1 IN SANTHANPARA VILLAGE.

EXT.R5 (a) : TRUE COPY OF THE SALE DEED NO.18/2012 OF SRO RAJAKUMARI EXECUTED IN FAVOUR OF 5th RESPONDENT DATED 3.1.2012.

EXT.R5 (a) (1) : TRUE ENGLISH TRANSLATION OF EXT.R5 (a) .

//TRUE COPY//

P.A.TO JUDGE

ami/

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

W.P.(C)No.17878 of 2015

Dated this the 1st day of October, 2015.

J U D G M E N T

SHAFFIQUE, J.

The petitioners have approached this Court seeking police protection. It is stated that they are running a resort in the property having an extent of 1 acre 75 cents of land in Survey No.82/1 at Kanalmukhappu at Santhanpara village in Idukki District. It is stated that the 4th respondent was managing the affairs of the resort that was being conducted in the said property and on account of certain irregularities noticed by the petitioners, the 4th respondent's service was terminated. Later, with the assistance of respondents 5 and 6, who are the allies of the 4th respondent, they started obstructive activities in the functioning of the resort and in order to avoid the same, the petitioners had preferred a complaint before the police. Since no action has been taken by the police, this writ petition is filed.

2. Counter affidavits have been filed by respondents 4 and 6 and also by the 5th respondent. According to them, they owned properties within the property which is held by the petitioners as well. It is stated that the 4th respondent has 11 cents of land, the 5th respondent has 2 cents of land and the 6th respondent has 25 cents of land and these lands are within the property held by the petitioners and the respondents are entitle to manage their properties, which is lying within the property of the petitioners and retain the possession of the said properties. It is submitted that other than managing the property, they had not indulged in the business activities of the petitioners in any manner.

3. The learned counsel for the petitioners submits that the petitioners came to know about the fact that respondents 4 to 6 had property within the property of the petitioners, only when counter affidavits have been filed. Therefore, it is fairly submitted that the remedy of the petitioners is only to approach the Civil court for appropriate reliefs.

4. The learned counsel further submits that the functioning of the resort is being prevented by various means and the petitioners have approached the Civil court for the management of the resort as well. However, the petitioners apprehend law and order situation on account of the unnecessary interference of respondents 4 to 6 in the management of the resort.

5. For the time being, therefore we direct the police to ensure maintenance of law and order situation, if there is any offence committed or there is any attempt to commit.

With the above observation, this writ petition is closed, reserving liberty to the parties to approach the Civil court for appropriate reliefs.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A.to Judge