

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 17881 of 2015 (I)  
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PETITIONER :  
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VENUGOPAL @ BRAHMA SWAROOPA THEERTHAPADA SWAMI  
S/O.RAMANANDAN NAIR, THENNETHU PANAKKAL VEEDU  
KOTTUKAL MURI, KOTTUKAL VILLAGE, KOTTARAKARA TALUK  
KOLLAM DISTRICT.

BY ADVS.SRI.ASWIN GOPAKUMAR  
SRI.ANWIN GOPAKUMAR  
SRI.ARJUN RADHAKRISHNAN NAIR  
SMT.ANUSREE SURESH  
SMT.DEEPTI SUSAN GEORGE

RESPONDENTS :  
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1. STATE OF KERALA  
REPRESENTED BY ITS SECRETARY, HOME AFFAIRS  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, 695001.
2. THE DEPUTY SUPERINTENDANT OF POLICE  
PUNALLOOR POLICE STATION, KOLLAM DISTRICT, 691305.
3. THE SUB INSPECTOR OF POLICE  
KADAKKAL POLICE STATION, KOLLAM DISTRICT, 691536.
4. K.SREEKANTAN PILLAI, AGED 40 YEARS  
S/O.KRISHNA PILLAI, THOTTATHIL VEEDU, KOTTUKKAL MURI  
KOTTUKAL VILLAGE, KOLLAM-691519.
5. V.K.RAJESH, AGED 38 YEARS  
S/O.KOCHUKUTTAN PILLAI, SASTHARAM VEEDU, KOTTUKAL MURI  
KOTTUKAL VILLAGE, KOLLAM-691519.
6. V.P.HARILAL, AGED 31 YEARS  
S/O.PRABHAKARA KURUP, PARAMBIL VEEDU, KOTTUKKAL MURI  
KOTTUKKAL VILLAGE, KOTTARAKARA TALUK, KOLLAM-691 519.

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7. RADHAKRISHNAN, AGED 47 YEARS  
S/O.JANAARDHANAN ACHARY, DEVI BHAVAN, KOTTUKKAL MURI  
KOTTUKAL VILLAGE, KOTTARAKARA TALUK, KOLLAM-691519.

R1 TO R3 BY STATE ATTORNEY, SRI. P. VIJAYARAGHAVAN  
R4 TO R7 BY ADV. SRI.ALEXANDER GEORGE.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
06-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

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EXHIBIT-P1: TRUE COPY OF THE ORDER IN CMA NO.9/2013.

EXHIBIT-P2: TRUE COPY OF COMPLAINT FILED BEFORE THE 3RD RESPONDENT.

EXHIBIT-P3: TRUE COPY OF THE SAID ORDER IN CMA 6/2014.

RESPONDENTS' EXHIBITS :

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EXT.R4(A) : TRUE COPIES OF THE PHOTOGRAPHS OF THE KAVU, IDOLS AND  
SURROUNDING AREAS.

EXT.R4(B) : TRUE COPY OF THE LETTER DATED 05.06.2013 WRITTEN BY THE  
KAVU SAMRAKSHNA SAMITHI TO THE RDO, KOLLAM.

EXT.R4(C) : ENGLISH TRANSLATION OF EXT.R4(B) LETTER WRITTEN TO RDO,  
KOLLAM.

EXT.R4(D) : TRUE COPY OF THE COMMISSION REPORT DATED 04.02.2013 IN  
O.S. NO.66/2013 OF HON'BLE MUNSIFF COURT, KOTTARAKKARA.

EXTR4(E) : ENGLISH TRANSLATION OF EXT.R4(D) COMMISSION REPORT  
DATED 04.02.2013.

/TRUE COPY/

PA TO JUDGE

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

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W.P.(C) No. 17881 OF 2015  
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Dated this the 6<sup>th</sup> day of August, 2015

**JUDGMENT**

**Shaffique, J.**

The petitioner has approached this Court seeking police protection *inter alia* contending that he being the absolute owner and in possession of property having an extent of 12.10. Ares in RS No.218/5 situated in Block No.3 of Kottukal Village, is prevented from enjoying the property. It is stated by the petitioner that a 'Kavu' was in existence in the said property, wherein there was a deity. On account of a 'Devaprasnam', which was conducted in 2012 the suggestion was to shift the idol from the Kavuvu to a new place. When steps were taken in that regard, the same was objected by respondents 4 to 7 and their men who claim right in respect of the property. Petitioner filed a suit, O.S. No.640 of 2013 wherein an interim injunction has been granted by the appellate court. The petitioner submits that despite the order of injunction, respondents 4 to 7 are obstructing the petitioner

from conducting the religious rituals with reference to the Kavu and from enjoying the property.

2. Respondents 4 to 7 have filed a counter affidavit *inter alia* stating that the property in which the petitioner claims title was being used as a religious place for the last more than 100 years. It was dedicated by the petitioner's predecessor in interest to the public and the intention of the petitioner is to remove the idol which was objected by the people in the locality. According to them, several persons in the locality are conducting worship in the Kavu and the intention of the petitioner is to remove the idol from the property.

3. Having regard to the aforesaid factual issue, we do not think that the police can interfere in the matter and resolve the dispute between the parties. Police can interfere only if there is any law and order situation or any offence is being committed or there is any attempt to commit offence.

4. If the petitioner wants to remove the idol, it shall be done only after getting appropriate order from a Civil Court, especially on account of the fact that several persons are

involved and there is a contention that several persons are worshipping.

We only observe that if any offence is committed or there is any attempt to commit offence in respect of the injunction order granted in favour of the petitioner, on the complaint of the petitioner, police shall look into the same do the needful.

The Writ Petition is disposed as above.

**Ashok Bhushan,  
Chief Justice.**

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

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