

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 18773 of 2015 (V)

PETITIONER:

**P. PRAKASHKUMAR,
S/O.PONNAPPAN NAIR, MANAGER,
NGPM HIGHER SECONDARY SCHOOL,
VENCHEMPU, PUNALLOOR, KOLLAM DISTRICT.**

**BY ADVS.SRI.BECHU KURIAN THOMAS,
SRI.PAUL JACOB (P),
SRI.ENOCH DAVID SIMON JOEL,
SRI.S.SREEDEV,
SRI.RONY JOSE,
SRI.GEORGE A.CHERIAN.**

RESPONDENTS:

- 1. DISTRICT POLICE CHIEF,
KOLLAM DISTRICT.**
- 2. ASSISTANT SUPERINTENDENT OF POLICE,
PUNALUR, KOLLAM DISTRICT.**
- 3. SUB INSPECTOR OF POLICE,
PUNALUR POLICE STATION, KOLLAM DISTRICT.**
- 4. GOPAKUMAR,
ASOK BHAVAN, NEDUVATHOOR, THEVALAPRAM,
PUTHOOR VILLAGE, KOLLAM DISTRICT, PIN- 691 507.**
- 5. SRI.GOPAKUMAR,
(CIRCLE INSPECTOR OF POLICE,
VIGILANCE & ANTI CORRUPTION BUREAU KOLLAM),
ASOK BAVAN, NEDUVATHOOR , THEVALAPRAM,
PUTHOOR VILLAGE, KOLLAM DISTRICT, PIN -691 507.**
- 6. PRADEEP. S., S/O.SURENDRAN,
NIRAPPIL VEEDU, AYINIKKODE,
VENCHEMPU P.O., PUNALUR, PIN -691 507.**

WP(C).No. 18773 of 2015 (V)

**7. THOMAS MATHEW, S/O.MATHEW,
MARY VILLA, VENCHEMPU P.O.,
PUNALUR.**

**8. SURENDRAN NAIR, S/O.KRISHNAN NAIR,
ASOK BHAVAN, NEDUVATHOOR ,
THEVALAPRAM, PUTHOOR VILLAGE,
KOLLAM DISTRICT, PIN- 691 507.**

R1 TO R3 BY SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 18773 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1:- TRUE COPY OF THE FIR IN CRIME NO. 292/2015 DATED 19/02/2015
ALONG WITH THE VALUATION STATEMENT OF THE LOSS CAUSED
TO THE PETITIONER.
- P2:- TRUE COPY OF THE FIR IN CRIME NO. 1146/2015 DATED 14/06/2015 OF
PUNALUR POLICE STATION.
- P3:- TRUE COPY OF THE PETITION DATED 18/06/2015 .
- P4:- TRUE COPY OF THE ORDER DATED 30/01/1978 IN CRP NO. 1224/1976.
- P5:- TRUE COPY OF THE ORDER DATED 10/05/2013 IN PROCEEDINGS
BEFORE THE DISTRICT COLLECTOR, KOLLAM IN FILE NO. 19027/2011.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.P (C) No. 18773 of 2015

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Dated this, the 23rd day of June, 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard the learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 4 to 8 in view of the judgment which is being passed.

2. Petitioner's claim to be running an Aided Higher Secondary School, a CBSE School and Training Institute in the same compound. Petitioner's case is that 8th respondent claims certain rights over the school property and has damaged the utensils and properties of the institution. The compound wall was also demolished. Learned Government Pleader after obtaining instructions submits that with regard to the demolition of compound wall, crime has already been registered against the respondents. He further submits that one crime has already been registered against the petitioner on a complaint submitted by the 8th respondent.

-:2:-

3. Be that as it may, issue regarding title or entitlement regarding the property of the institution cannot be gone into in a police protection matter. Parties may get their rights settled from competent court. However, the police authorities have to ensure that there is no law and order issue relating to the running of school.

Thus, we close the writ petition with the observation that respondent Nos. 2 and 3 shall ensure that there is no law and order issue and may also ensure that school is functioning smoothly.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge