

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 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).No. 19201 of 2015 (A)

PETITIONER(S) :

**P.S.SOMAN, AGED 58 YEARS,
S/O.SREEDHARAN, PUTHUPARAMBIL HOUSE, KONNI P.O.,
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.M.G.KARTHIKEYAN
SRI.NIREESH MATHEW**

RESPONDENT(S) :

- 1. THE SUB INSPECTOR OF POLICE,
PATHANAMTHITTA-689 645.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
PATHANAMTHITTA-689 645.**
- 3. THE DEPUTY SUPERINTENDENT OF POLICE,
PATHANAMTHITTA-689 645.**
- 4. THE DISTRICT SUPERINTENDENT OF POLICE,
PATHANAMTHITTA-689 645.**
- 5. THE DIRECTOR GENERAL OF POLICE (LAW & ORDER),
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM-695 001.**
- 6. STATE OF KERALA,
REPRESENTED BY SECRETARY (HOME AFFAIRS),
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 7. VIMAL,
REGHUKULAM HOUSE, VALLIKKODU P.O.,
THIRUVANANTHAPURAM DISTRICT-689 645.**
- 8. MURALEEDHARAN NAIR,
RAMA NIVAS, VALLIKKODU P.O., PATHANAMTHITTA-689 659.**

..2/-

WP(C).No. 19201 of 2015 (A)

**9. S.V.PRASANNAKUMAR,
SHYAMALA VILASAM, VAZHAMUTTOM P.O.,
PATHANAMTHITTA DISTRICT-689 646.**

**R1 TO R6 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R7 BY ADVS. SRI.GEORGE ABRAHAM PACHAYIL**

SMT.JEBI MATHER HISHAM

R8 & R9 BY ADVS. SRI.P.SANKARAN NAMPOOTHIRI

SMT.P.V.DENCY

SMT.M.S.SUBEENA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXT.P1 : PHOTOCOPY OF THE PETITION DATED 23.06.2015 SUBMITTED
 BEFORE THE 1ST RESPONDENT.**

EXT.P1(A): ENGLISH TRANSLATION OF EXT.P1.

**EXT.P2 : PHOTOCOPY OF THE PETITION DATED 24.06.2015 SUBMITTED
 BEFORE THE 1ST RESPONDENT WITH COPY TO RESPONDENTS
 2 TO 6.**

**EXT.P3: PHOTOCOPY OF THE STOP MEMO NO.C4-2793/15
 DATED 24.06.2015 ISSUED BY THE SECRETARY, VALLICODE
 GRAMA PANCHAYATH.**

EXT.P3(A): ENGLISH TRANSLATION OF EXT.P3.

**EXT.P4: PHOTOCOPY OF THE ORDER DATED 08.07.2015 IN
 W.P.(C).NO.20602/2015 PASSED BY THE HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 19201 of 2015

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Dated this, the 3rd day of August, 2015

J U D G M E N T

Shaffique, J.

Petitioner is a registered worker under the Kerala Toddy Workers Welfare Fund Act and has approached this Court seeking police protection in the matter relating to conduct of toddy shop TS No.9 included in Group No.II. It is stated that since there were no other takers, petitioner, being a registered worker, got the allotment of the toddy shop as representative of the workers. They have obtained sanction from the landlord of the building and licence was granted by the Deputy Commissioner of Excise on 01/6/2015. The shop is being conducted in a building owned by one Mrs. Santhamma Sadasivan. It is submitted that respondents 7 to 9 and their men are creating obstruction in the matter relating to conduct of the said toddy shop. According to the petitioner, they have valid licence to run the toddy shop and if any obstruction is created, it will cause severe loss and damage

-:2:-

to them. Though complaint was given to the police for necessary police protection, no action had been taken in the matter and therefore petitioner has approached this Court.

2. Learned counsel appearing for respondents 7, 8 and 9 submits that they have not created any obstruction in the conduct of the shop. They are only conducting peaceful agitation. It is stated that the building involved is situated in a residential locality and most of the people in the locality are against the functioning of the toddy shop. That apart, Panchayat had issued a stop memo restraining the petitioner from conducting the toddy shop. Learned counsel for the petitioner submits that stop memo issued by the Panchayat was challenged before this Court by filing WP(C) No.20602/2015 in which an interim direction had been issued keeping in abeyance the stop memo issued by the Panchayat, which has been extended by the Court. Ext.P4 is the interim order dated 8/7/2015.

3. Having regard to the aforesaid factual situation, we are of the view that as there is an interim order keeping in abeyance the stop memo issued by the Panchayat, if there is any further obstruction from the side of respondents 7 to 9 or their men,

W.P(C) No.19201/2015

-:3:-

police is bound to interfere in the matter and ensure maintenance of law and order and free ingress and egress to the toddy shop.

The writ petition is therefore disposed of as under;

The 1st respondent shall ensure maintenance of law and order in the matter relating to conduct of the toddy shop run by the petitioner and ensure free ingress and egress. Further, this judgment will be subject to any further orders that may be passed by this Court in WP(C) No.20602/15.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge