

**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 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937**

**WP(C).No. 20373 of 2015 (V)**  
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**PETITIONER(S):**  
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- 1. RAJESWARI AGED 38 YEARS  
W/O.NARAYANAN NAIR, KALLAMPARAMBIL HOUSE, KURUVIKKANAM  
RAMAKKALMEDU PO, PIN 685 552.**
- 2. PADMAVATHIAMMA, W/O.KRISHNA PILLAI AGED 90 YEARS  
KALLAMPARAMBIL HOUSE, KURUVIKKANAM, RAMAKKALMEDU PO  
PIN 685 552.**
- 3. CHELLAMMA, W/O.GOPINATHA PILLAI AGED 75 YEARS  
NOW RESIDING AT KALLAMPARAMBIL HOUSE, KURUVIKKANAM  
RAMAKKALMEDU PO, PIN 685 552.**
- 4. K.K.NARAYANAN NAIR, S/O.KRISHNAPILLAI AGED 52 YEARS  
ESTATE OFFICER, SALAAMS RARMA HERITAGE ECO VILLAGE  
KURUVIKKANAM AND RESIDING AT KALLAMPARAMBIL HOUSE  
KURUVIKKANAM, RAMAKKALMEDU PO, PIN 685 552.**
- 5. LAKSHMI.G AGED 38 YEARS  
W/O.ADV.VINU RAJ, PROJECT DIRECTOR  
SALAAMS RAAMA HERITAGE ECO VILLAGE  
KURUVIKKANAM AND OFFICIALLY RESIDING AT IV/602  
KURUVIKKANAM  
KARUNAPURAM VILLAGE AND HAVING PERMANENT RESIDENCE AT  
KUZHUVELIL HOUSE  
LAYAM ROAD, ERNAKULAM 682 011.**
- 6. SANDYA BAIJU, W/O.BAIJU, OFFICE ASSISTANT AGED 35 YEARS  
SALAAMS RAAMA HERITAGE ECO VILLAGE, KURUVIKKANAM  
RAMAKKALMEDU P.O., PIN 685 552.**
- 7. BINESH G. NAIR AGED 34 YEARS  
S/O.GOPALAKRISHNAN, FARM CORDINATOR  
SALAAMS RAAMA HERITAGE ECO VILLAGE, KURUVIKKANAM  
RAMAKKALMEDU P.O., PIN 685 552.**
- 8. KALA SHIBU AGED 35 YEARS  
W/O.SHIBU, GENERAL HELPER  
SALAAMS RAAMA HERITAGE ECO VILLAGE, KURUVIKKANAM  
RAMAKKALMEDU AND RESIDING AT ILAMPLAKKATU HOUSE  
KURUVIKKANAM, RAMAKKALMEDU PO, PIN 685 552.**

9. JANARDHANAN NAIR AGED 58 YEARS  
S/O.RAMAKRISHNAN NAIR, FARM CORMDINATOR  
SALAAMS RAAMA HERITAGE ECO VILLAGE, KURUVIKKANAM  
RAMAKKALMEDU AND RESIDING AT CHARUVILA PUTHEN VEEDU  
KURIVIKKANAM, RAMAKKALMEDU PO, PIN 685 552.
10. E.K.KRISHNAN KUTTY AGED 60 YEARS  
S/O.KUNJUKUTTY, WATCHMAN, KURIVIKKANAM  
RAMAKKALMEDU PO  
PIN 685 552. SALAAMS RAAMA HERITAGE ECO VILLAGE  
KURUVIKKANAM  
RAMAKKALMEDU AND RESIDING AT ILAMPLAKKATU HOUSE  
KURIVIKKANAM, RAMAKKALMEDU PO, PIN 685 552.

BY ADVS.SRI.ABRAHAM MATHEW (VETTOOR)  
SRI.SRI.ANIL ABEY JOSE

RESPONDENT(S):

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1. STATE OF KERALA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT  
HOME AFFAIRS, SECRETARIAT, THIRUVANANTHAPURAM 695 001.
2. THE DISTRICT SUPERINTENDENT OF POLICE  
PYNABU, IDUKKI, PIN 685 603.
3. THE DEPUTY SUPERINTENDENT OF POLICE  
KATTAPPANA, PIN 685 508.
4. THE CIRCLE INSPECTOR OF POLICE  
NEDUMKANDAM, PIN 685 553.
5. THE SUB INSPECTOR OF POLICE  
CUMBUMMETTU , PIN 685 551.
6. BINOY, S/O.CHACKO  
PUTHENPURACKAL HOUSE, KURUVIKKANAM, RAMAKKALMEDU PO  
KALLAR VIA, PIN 685 552.
7. SIBI, S/O.CHACKO  
PUTHENPURACKAL HOUSE, KURUVIKKANAM, RAMAKKALMEDU PO  
KALLA VIA, PIN 685 552.
8. NADARAJA PILLAI  
S/O.DIVAKARAN PILLAI, KRISHNAVILASAM HOUSE  
KURUVIKKANAM, RAMAKKALMEDU PO, KALLAR VIA  
PIN 685 552.
9. PRASAD, S/O.BHARGAVAN, THOTTAYITHARAYIL HOUSE,  
KURUVIKKANAM, RAMAKKALMEDU PO, KALLAR VIA  
PIN 685 552.

10. KRISHNAPILLAI, S/O.DIVAKARAN PILLAI  
KRISHNAVILASAM HOUSE, KURUVIKKANAM, RAMAKKALMEDU PO  
KALLAR VIA, PIN 685 552.
11. VISWANADHAN, S/O.SANKARAN PILLAI  
PAVITTERI HOUSE, KURUVIKKANAM, RAMAKKALMEDU PO  
KALLAR VIA, PIN 685 552.
12. SATHYAN, S/O.GANGADHARAN,  
KAKKANASSERIL HOUSE, KURUVIKKANAM, RAMAKKALMEDU PO  
KALLAR VIA, PIN 685 552.
13. AMBUJAKSHAN, VANAJA VILASAM HOUSE,  
KURUVIKKANAM, RAMAKKALMEDU PO, KALLAR VIA  
PIN 685 552.
14. OMANAKUTTAN, S/O.PRABHAKARAN KURUVIKKATTU HOUSE  
KURUVIKKANAM, RAMAKKALMEDU PO, KALLAR VIA  
PIN 685 552.
15. APPUKUTTAN, SATHEESH BHAVAN  
KURUVIKKANAM, RAMAKKALMEDU PO, KALLAR VIA  
PIN 685 552.
16. CHANDRAN, S/O.ACHUTHAPPANICKAR, BLOCK NO.1035  
KURUVIKKANAM, RAMAKKALMEDU PO, KALLAR VIA  
PIN 685 552.
17. SULAIMAN  
S/O.PAREED RAWTHAR, THANNIVILA HOUSE, KURUVIKKANAM  
KOOTTAR PO, KALLAR VIA, PIN 685 552.
18. O.S.JAYAKUMAR, S/O.SANKUNNI PILLAI  
OLICKAL HOUSE, KURUVIKKANAM, RAMAKKALMEDU PO  
KALLAR VIA, PIN 685 552.
19. PRASANNA KUMAR, THANIVILAYIL  
KURUVIKKANAM, KOTTOOR PO, KALLAR VIA  
PIN 685 552.
20. MOHANAN, KARUVEL HOUSE  
EDATHARAMUKKU , KOTTOOR P.O., KALLAR VIA  
PIN 685 552.
- \*ADDL.21. DIVAKARAN, S/O.KESAVAN,  
AGED 64 YEARS,  
RESIDING AT KILIRUTHAYYIL HOUSE,  
KURUVIKKANAM KARA, KARUNAPURAM VILLAGE,  
IDUKKI DISTRICT.

**\*ADDL.22. PRASAD P.P., S/O.PAPPAN,  
AGED 48 YEARS,  
PARAYIL HOUSE,  
KURUVIKKANAM KARA, KARUNAPURAM VILLAGE,  
IDUKKI DISTRICT.**

**\*(ADDL.R21 AND 22 ARE IMPEADED AS PER ORDER IN IA NO.10629/2015 DATED  
11/08/2015)**

**R8,R9,R14,R15 BY ADV. SRI.GRASHIOUS KURIAKOSE (SR.)  
R8,R9,R14,R15 BY ADV. SRI.GEORGE MATHEWS  
R8,R9,R14,R15 BY ADV. SRI.P.BHARATHAN  
ADDL-R21 & 22 BY ADV. SRI.K.S.PRAVEEN  
BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-08-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**P1- A TRUE COPY OF THE ORDER DATED 20.9.2012 BY WHICH THE 4TH PETITIONER WAS APPOINTED AS ESTATE-OFFICER**

**P2- A TRUE COPY OF THE CALL LETTER DATED 23.1.2013 OFFERING EMPLOYMENT TO THE 5TH PETITIONER AS PROJECT**

**P3- THE TRUE COPY OF THE APPOINTMENT ORDER ISSUED TO THE 6TH PETITIONER DATED 25.3.2014**

**P4- THE ORDER OF APPOINTMENT ISSUED TO THE 7TH PETITIONER AS FARM DATED 22.8.2013**

**P5- THE TRUE COPY OF THE APPOINTMENT ORDER OF 8TH PETITIONER DATED 25.3.2014**

**P6- THE TRUE COPY OF THE APPOINTMENT ORDER OF 9TH PETITIONER DATED 22.8.2013**

**P7- THE TRUE COPY OF THE ORDER OF APPOINTMENT OF THE 10TH PETITIONER DATED 25.3.2014**

**P8- A TRUE COPY OF THE REPRESENTATION DATED 28.5.15**

**P8(A)- TRUE ENGLISH TRANSLATION OF EXHIBIT P8**

**P9- A TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT OF PETITION DATED 28.5.2005 ISSUED BY THE 4TH RESPONDENT**

**P10- A TRUE COPY OF THE POSTAL ACKNOWLEDGMENT FOR SERVICE OF THE COMPLAINT TO THE 3RD RESPONDENT**

**P11- A TRUE COPY OF THE COMPLAINT MADE BY THE 5TH PETITIONER TO THE 5TH RESPONDENT DATED 20.6.2015**

**P11(A)- TRUE ENGLISH TRANSLATION OF EXHIBIT P11**

**P12- A TRUE COPY OF THE FIR DATED 20.6.2015 REGISTERED BY THE POLICE**

**P12(A)- A TRUE ENGLISH TRANSLATION OF EXHIBIT P12**

**P13- PHOTOGRAPHS SHOWING THE DESTRUCTION AND COMMISSION OF ACTS OF WASTE AND DAMAGE**

**P14- A TRUE COPY OF THE COMPLAINT MADE ON 20.6.2015 BY THE 5TH PETITIONER TO THE 5TH RESPONDENT**

**P14(A)- A TRUE ENGLISH TRANSLATION OF EXHIBIT P14**

P15- A TRUE COPY OF CRIME REGISTERED BY THE CUMBAMMEDU POLICE AS NO.157 OF 2015

P15(A)- A TRUE ENGLISH TRANSLATION OF EXHIBIT P15

P16- A TRUE COPY OF REPRESENTATION MADE IN ON 25.6.2015

P16(A)- THE TRUE ENGLISH TRANSLATION OF EXHIBIT P16

**RESPONDENT(S)' EXHIBITS**  
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EXT.R9(a): TRUE COPY OF THE CERTIFICATE DT 8.5.2015 ISSUED BY THE BLOCK DEVELOPMENT OFFICER, NEDUMKANDAM.

EXT.R9(b): TRUE COPY OF THE PHOTOGRAPHS SHOWING THE USAGE OF CHECK DAM BY THE GENERAL PUBLIC.

EXT.R9(c): TRUE COPY OF THE JUDGMENT IN WPC NO.16568/2015 DT 4.6.2015.

*//True Copy//*

PS to Judge

Rp

**ASHOK BHUSHAN, C.J.**

**&**

**A.M. SHAFFIQUE, J.**

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W.P. (C) No. 20373 of 2015

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Dated this, the 11<sup>th</sup> day of August, 2015

## **J U D G M E N T**

### **Shaffique, J.**

Petitioners 4 to 10 claim to be employees of 'Salaams Raama Heritage Eco Village" at Kurivikkanam. Petitioners 1 to 3 are the family members of the 4<sup>th</sup> petitioner. It is stated that the 4<sup>th</sup> petitioner is the Manager of the Estate. The allegation raised by the petitioners is that their work in the Estate is being prevented by private respondents 6 to 20 and their men. Petitioners submit that the owner of the property had earlier approached this Court by filing a writ petition, which was disposed of directing the police to ensure maintenance of law and order. Despite the directions, petitioners were manhandled and crimes had been registered by the police. Though the workers in the Estate repeatedly requested for sufficient police force to prevent the highhanded activities of respondents 6 to 20, 5<sup>th</sup> respondent has not deputed sufficient police force to prevent such activities.

-:2:-

In the said premise, this writ petition is filed seeking for appropriate direction to the police authorities to provide adequate police protection to the petitioners for carrying out their day to day activities in the Estate.

2. Counter affidavit has been filed by respondents 8, 9, 14 and 15 *inter alia* stating that the owner of the property has acquired a larger extent of land by which he had obtained enclosure of a check dam constructed by the Government which was intended for storage of water. People in the locality used to take water from the check dam and they used to lay pipe lines for drawing water as well. After purchase of the property by the present owner, he had enclosed the entire Estate by virtue of which a small pathway has been provided for ingress and egress to the check dam. This has caused much inconvenience among the people in the locality who had been walking across the Estate which resulted in commotion in the area. It is stated that they have not obstructed the petitioners from carrying on their work as alleged.

3. IA No.10629/15 has been filed by two persons seeking to implead themselves as additional respondents. According to

them, they were originally workers of the Estate and the allegation that they have left the employment and Estate due to the harassment by the respondents was absolutely incorrect.

4. Learned Government Pleader on instructions would submit that when complaints had been received from the petitioners, police had conducted appropriate investigation and crime has been registered. The investigation is in progress and thereafter no untoward incident has been reported.

5. Learned counsel for the petitioners however would submit that petitioners are not in a position to carry on their day to day activities in the Estate and even the owner of the property is unable to come to the Estate. Unless sufficient police force is deployed to prevent the atrocious act of private respondents, they will suffer severe hardship.

6. We have already issued an order dated 4/6/2015 in WP (C) No.16568/15, which was the writ petition filed by the owner of the aforesaid Estate seeking for adequate police protection. We have in the said judgment directed the police authorities to ensure maintenance of law and order. We have also indicated that if any offence is committed or there is attempt to commit offence

by the respondents, it shall be open for the petitioners to file appropriate complaint before the 5<sup>th</sup> respondent and necessary action has to be taken in the matter. Apparently on the basis of complaints, crime has been registered and investigation is in progress.

7. Having regard to the fact that we have already issued necessary orders in the writ petition filed by the owner of the property, we are of the view that it also encompasses any offence being committed against the workers, staff or family members of the workers as well. Therefore, we reiterate the position that if any offence is committed or there is any attempt to commit offence, on the complaint of the petitioners, police shall take appropriate action. If sufficient police force is required to prevent such atrocious acts, it is the duty of respondents 2 to 4 to take necessary action in that regard at the request of the 5<sup>th</sup> respondent.

8. As far as the rights claimed by private respondents are concerned, they cannot take law into their hands. They cannot trespass into the property belonging to another person as long as it is not their property. If they want to utilize the water which is

-:5:-

stored in the check dam, even according to the learned counsel appearing for private respondents, a pathway has been provided by the owner of the property. If they want to claim any other right of way through the Estate, their remedy is to approach the Civil Court and obtain appropriate orders. If they take law into their hands, it is the duty of the police authorities to ensure that no such untoward incident happens and protect the life of the petitioners. In the said circumstances, the writ petition is disposed of directing respondents 2 to 5 to ensure that adequate measures are taken to prevent any untoward incident in the Estate where the petitioners are working.

Writ petition is disposed of as above.

Sd/-

**ASHOK BHUSHAN, CHIEF JUSTICE**

Sd/-

**A.M. SHAFFIQUE, JUDGE**

Rp

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*PS to Judge*