

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. 21709 of 2015 (K)

PETITIONER:

**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
SRI.N.P.PRAJEESH
SRI.NIJU MATHEW
SRI.VIVEK VENUGOPAL
SRI.N.VIJAYAKUMAR (CHILAVANOOR)**

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
PATHANAMTHITTA - 685 645.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
PATHANAMTHITTA - 685 645.**
- 3. THE DEPUTY SUPERINTENDENT OF POLICE,
PATHANAMTHITTA - 685 645.**
- 4. THE DISTRICT SUPERINTENDENT OF POLICE,
PATHANAMTHITTA - 685 645.**
- 5. THE DIRECTOR GENERAL OF POLICE (LAW & ORDER),
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM - 695 001.**
- 6. STATE OF KERALA,
REPRESENTED SECRETARY (HOME AFFAIRS)
GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 7. JAYAN, AGED AROUND 26 YEARS,
RESIDING AT POONKAVU COLONY, POONKAVU,
KONNI, PATHANAMTHITTA DISTRICT - 685 691.**

R1 TO R6 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

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

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WP(C).No. 21709 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1. PHOTOCOPY OF THE PETITION DATED 08.07.2015 SUBMITTED
 BEFORE THE 1ST RESPONDENT WITH COPY TO RESPONDENTS 2
 TO 6.**

**EXHIBIT P2. PHOTOCOPY OF THE ORDER DATED 13.07.2015 IN
 WP(C)NO.21006/2015 PASSED BY THIS HON'BLE COURT.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 21709 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 conducting Toddy Shop No.7 in Group No.II in Konni excise range, having obtained the same as per licence dated 4/6/2015. It is stated that since there were no takers for the toddy shop, petitioner, being a registered worker, got allotment of the toddy shop as representative of the workers.

2. The complaint of the petitioner is on account of inaction on the part of the police in not providing adequate police protection when there was obstruction from the side of the 7th respondent and his men in the matter relating to conduct of the toddy shop.

3. It is stated that a stop memo was issued by the Panchayat restraining the petitioner from using the said building and the petitioner filed WP(C) No.21006/2015 before this Court and an interim direction has been issued staying operation of the

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said stop memo.

4. Though notice was offered to the 7th respondent, he refused to accept notice and service of notice has been declared by this Court. Having regard to the aforesaid factual situation, we are of the view that this writ petition can be disposed of as under;

If there is any obstruction from the side of the 7th respondent or any other person in the matter relating to conduct of toddy shop run by the petitioner, the 1st respondent shall ensure maintenance of law and order and free ingress and egress to the toddy shop.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge