

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 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 22777 of 2015 (V)

PETITIONER :

**THE KERALA STATE DEBT AND DEBT TRAP VICTIMS ASSOCIATION (DDTV),
REG.NO.KKD/CA 856/13, A.T. BUILDING, KODINATTUMUKKU,
OLAVANNA, KOZHIKODE,
REPRESENTED BY ITS GENERAL SECRETARY,
M.P.SHAHUL HAMEED, S/O.NOORUDEEN, AGED 39,
M.P.HOUSE, VAIDYARANGADI.P.O., NEAR JUMA MASJID,
KOZHIKODE-673 633.**

**BY ADVS.DR.V.N.SANKARJEE
SRI.V.N.MADHUSUDANAN
SMT.C.K.LEKHAMMA
SMT.R.UDAYA JYOTHI
SRI.PRATHAP. S.R.K.
SMT.M.SUSEELA
SRI. S.SIDHARTHAN**

RESPONDENT(S):

- 1. THE CITY COMMISSIONER OF POLICE,
KOZHIKODE-695 001.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
NELLALAM, KOZHIKODE-673 019.**
- 3. THE SUB INSPECTOR OF POLICE,
NALLALAM, KOZHIKODE-673 019.**
- 4. COMMUNIST PARTY OF INDIA (MARXIST),
KODINATTUMUKKU NORTH BRANCH, KOZHIKODE,
REPRESENTED BY SECRETARY SHRI ANIL KUMAR,
S/O.DAMODARAN, AGED 45, MANAL HOUSE,
RAILWAY GOODS SHED(WORKER), OLAVANNA.P.O.,
KODINATTUMUKKU, KOZHIKODE-673 019.**
- 5. COMMUNIST PARTY OF INDIA (MARXIST),
KODINATTUMUKKU SOUTH BRANCH, KOZHIKODE,
REPRESENTED BY SECRETARY SHRI SHYJU, S/O.KRISHNAN,
AGED 38, PUNATHUMKANDI HOUSE, KODINATTUMUKKU,
KOZHIKODE-673 019.**

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6. PRAKASAN, S/O.GOPALAN,AGED 49 YEARS,
JEWELLERY WORKER, PRARTHI HOUSE,
CHERUKARA, KALLUSHAP ROAD, OLAVANNA,
KODNATTUMUKKU, KOZHIKODE-673 019.
7. K.BHASKARAN,
S/O.KANARAN, KODAKAT HOUSE, ELATTIL.P.O.,
VATTOLI, KIZHAKKEDATH AMSOM, KODUVALLY,
KOZHIKODE-673 572.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

sts

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE MEMORANDUM OF ASSOCIATION WITH RULES AND REGULATIONS OF THE PETITIONER.
- P2- TRUE COPY OF THE CERTIFICATE OF INCORPORATION (WITH ENGLISH TRANSLATION) WITH ACKNOWLEDGEMENT FOR USER NAME OF THE PETITIONER.
- P3- TRUE COPY OF LICENCE DATED 20.3.2015 ISSUED BY THE VILLAGE PANCHAYAT (WITH ENGLISH TRANSLATION).
- P4- TRUE COPY OF THE APPLICATION DATED 7.1.2014 (WITH ENGLISH TRANSLATION) SUBMITTED BY THE 7TH RESPONDENT TO THE PETITIONER.
- P5- TRUE COPY OF ACCOUNTS STATEMENT DATED 6.3.2014 OF LOAN TRANSACTION OF THE 7TH RESPONDENT ISSUED BY THE KODUVALLY CO-OPERATIVES HOUSING SOCIETY WITH ITS ENGLISH TRANSLATION.
- P6- TRUE COPY OF THE COMPLAINT DATED 2.10.2014 (WITH ENGLISH TRANSLATION) LODGED BY A LADY STAFF OF THE PETITIONER TO THE 3RD RESPONDENT.
- P7- TRUE COPY OF THE ORDER DATED 2.6.2015 OF THE HONOURABLE COURT IN CRL.M.A.NO.4868/2015 IN CRL.M.C.NO.3004/2015.
- P8- TRUE COPY OF THE DISPLAY BOARD (WITH ENGLISH TRANSLATION).
- P9- TRUE COPY OF THE COMPLAINT DATED 8.5.2014 (WITH ENGLISH TRANSLATION) WITH POSTAL RECEIPT, ACKNOWLEDGEMENT CARD.
- P10- TRUE COPY OF AN ARTICLE WRITTEN BY THE GENERAL SECRETARY OF THE PETITIONER IN A SOUVENIR.
- P11- TRUE COPY OF THE COMPLAINT DATED 19.5.2015 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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

W.P.C.No.22777 of 2015

Dated this the 4th day of August 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 4 to 7 in view of the judgment being passed today.

2. Petitioner claims to be a Charitable Society functioning with the objective of protecting the interest of the members of the Society and for redressing the grievance of the persons who confront with debt related problems and cases initiated against them. Petitioner's case is that 7th respondent, who had a liability to the tune of more than Rs.15 lakhs, submitted a complaint to the petitioner society requesting to adopt necessary mediation and to get maximum relaxation in the loan account. It is alleged that, 7th respondent, being not satisfied with the steps taken by the petitioner, has created obstruction in the functioning of the society and display boards were also put up at different places threatening the society. Petitioner filed Ext.P6 complaint dated

02/10/2014 against the 7th respondent. It is submitted that petitioner has lodged another complaint on 19/05/2015 before the 2nd respondent for police protection.

3. The learned Government Pleader, after obtaining instructions, submits that on receiving Ext.P8 complaint, 7th respondent was called and warned. It is submitted that, as on date, there is no obstruction regarding the functioning of the petitioner's society and the display boards which were put up, has already been removed.

4. In view of the aforesaid, we dismiss this writ petition with liberty to the petitioner to file a complaint before the 3rd respondent as and when any obstruction is created or any offence is committed or attempted against the petitioner society.

With the above observation, this writ petition is dismissed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

