

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

WP(C).No. 23212 of 2015 (B)

PETITIONER(S) :-

GEORGE JOSEPH, AGED 44 YEARS
S/O.JOSE, KUNNAPPILLIL HOUSE, ERAVATTUR P.O.
PERAMBRA, KOZHIKODE DISTRICT.

BY ADVS.SRI.P.P.THAJUDEEN
SMT.C.SEENA

RESPONDENT(S) :-

1. DIRECTOR GENERAL OF POLICE (LAW & ORDER)
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM-695 001.
2. COMMISSIONER OF POLICE
OFFICE OF THE CITY POLICE COMMISSIONER
KOZHIKODE - 673 001
3. STATION HOUSE OFFICER
PERAMBRA POLICE STATION, KOZHIKODE RURAL
KOZHIKODE DISTRICT - 673 001
4. KUNJAMMAD, S/O.ABDULLA
KIZHAKKECHALIL, ERAVATTUR P.O, PERAMBRA
KOZHIKODE DISTRICT - 673 525.
5. SHAFEEK, S/O.KUNJABDULLA
MULLAMKUNNUMMAL HOUSE, ERAVATTUR P.O, PERAMBRA
KOZHIKODE DISTRICT - 673 525.
6. JEMSEL, S/O.IBRAHIM
KIZHAKKAYIL HOUSE, ERAVATTUR P.O, PERAMBRA
KOZHIKODE DISTRICT - 673 525.

7. SHAJU, S/O.ANDI
NELLIYULLATHIL HOUSE, ERAVATTUR P.O, PERAMBRA
KOZHIKODE DISTRICT - 673 525.
8. RAJEESH, S/O.SURENDRAN
MULLANKUNNUMMAL HOUSE, ERAVATTUR P.O, PERAMBRA
KOZHIKODE DISTRICT - 673 525.
9. IBRAHIM, S/O.MOIDU
KIZHAKKAYIL HOUSE, ERAVATTUR P.O, PERAMBRA
KOZHIKODE DISTRICT - 673 525.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

WP(C) .No. 23212 of 2015 (B)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 - TRUE PHOTOCOPY OF THE D&O LICENSE ISSUED BY PERAMBRA
GRAMA PANCHAYATH DATED 19.6.2015.

EXT.P1(a) - ENGLISH TRANSLATION OF EXHIBIT P1 LICENSE.

EXT.P2 - TRUE PHOTOCOPY OF FIR DATED 11.3.2014.

EXT.P2(a) - ENGLISH TRANSLATION OF EXHIBIT P2 FIR.

EXT.P3 - TRUE PHOTOCOPY OF THE COMPLAINT DATED 6.7.2015 BEFORE
3RD RESPONDENT.

EXT.P3(a) - ENGLISH TRANSLATION OF EXHIBIT P3 COMPLAINT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.23212 of 2015

Dated this the 31st day of July 2015

J U D G M E N T

Shaffique, J

The petitioner has approached this Court seeking for police protection alleging that respondents 4 to 9 and their men are illegally demanding huge amounts for permitting him to function a soda manufacturing unit at Eravattur.

2. According to the petitioner, respondents 4 to 9 have no such right as their intention was to collect money from the petitioner and they are threatening the petitioner with dire consequences if the money is not paid. The petitioner refers to an earlier incident, in which, respondents 4 to 9 tried to obstruct the business being carried on by him, which led to a crime being registered as Crime No.291 of 2014 at Perambra Police Station and the police has charge sheeted the case, which is pending trial before the Sessions Court as S.C.No.1134 of 2014.

3. Under such circumstances, taking into consideration the earlier violent acts of the private respondents, the petitioner had approached the police for necessary protection and since the

police had not taken any action in the matter, this writ petition has been filed.

4. Learned Government Pleader on instructions would submit that on the basis of the complaint received from the petitioner, the police had enquired into the matter. The petitioner had already shifted his premises from the earlier location at Eravattur to Perambra. On enquiry by the police, it was understood that no untoward incident has been reported so far and the police had already offered to give necessary protection, if any such situation arises.

5. Learned counsel for the petitioner would however submit that when the crime occurred, the petitioner has shifted the unit to another place. Presently, they have obtained Ext.P1 permit and has restarted functioning at Eravattur.

6. Having regard to the nature of order being passed in the writ petition, no notice is required to be issued to respondents 4 to 9.

7. Since the learned Government Pleader submits that the police had already taken into consideration the complaint given by the petitioner and had taken adequate measures to ensure law and order is maintained and that no incident is reported other than the

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earlier one, we do not think that a direction as sought for is required to be passed. We only observe that if there is any further threat on the part of respondents 4 to 9, it shall be open for the petitioner to make a request to the police authorities, who shall look into the complaint and do the needful in accordance with the procedure prescribed.

With the above observation, this writ petition is disposed of.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE