

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 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 25165 of 2015 (U)

PETITIONER(S):

**ADITHYA EDUCATIONAL SOCIETY,
AMBIKAPURAM ROAD, PANAMPILLY NAGAR (PO),
ERNAKULAM DISTRICT, PIN-682 036,
REPRESENTED BY ITS SECRETARY MR.JANARDHANAN PILLAI.**

**BY ADVS.SRI.SHAJI CHIRAYATH
SMT.JIJI M. VARKEY
SMT.SAVITHA GANAPATHIYATAN
SRI.M.M.SHAJAHAN**

RESPONDENT(S):

- 1. DISTRICT POLICE CHIEF,
ERNAKULAM RURAL, OFFICE OF THE DISTRICT POLICE CHIEF,
ERNAKULAM RURAL, ALUVA - 683 101.**
- 2. INSPECTOR OF POLICE,
ERNAKULAM TOWN SOUTH POLICE CIRCLE,
ERNAKULAM TOWN SOUTH POLICE STATION, THEVARA (PO),
ERNAKULAM DISTRICT, PIN - 682 015.**
- 3. REJI CHALAPPURAM, AGED 44 YEARS,
S/O.PAULOSE, CHALAPPURAM HOUSE, ELAMKULAM VILLAGE,
KADAVANTHRA KANAYANNOOR TALUK, ERNAKULAM DISTRICT,
PIN-682 025.**
- 4. SUJI CHALAPPURAM,
W/O.REJI CHALAPPURAM, CHALAPPURAM HOUSE, KADAVANTHRA,
KANAYANNOOR TALUK, ERNAKULAM DISTRICT, PIN-682 017.**

R1 & R2 BY STATE ATTORNEY SRI.P.MJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 25165 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : COPY OF THE APPLICATION FOR POLICE PROTECTION SUBMITTED BY THE
PETITIONER TO THE 1ST RESPONDENT.**

**P2 : COPY OF THE ACKNOWLEDGEMENT ISSUED BY THE 1ST RESPONDENT
EVIDENCING RECEIPT OF EXT P1.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE.

MsV/

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.25165 of 2015

Dated this the 19th day of August 2015

J U D G M E N T

Shaffique, J

Petitioner claims to be running an unaided Arts and Science College called Aditya Institute of Management Studies at Pambanar. It is stated that the building in possession is owned by respondents 3 and 4. Petitioner submits that they are not being permitted to enter into the building and there is an attempt to forcibly evict the petitioner from the leasehold premises.

2. The learned Government Pleader, on instructions, would submit that on account of other issues relating to affiliation of the Institute, the course which was conducted by the petitioner is not being conducted now. However, the apprehension of the petitioner is only that they may be forcibly evicted by the landlord as they are not conducting any activity in the said premises.

3. Having regard to the aforesaid factual situation, we do not think that the police can interfere in the matter. Police can interfere only if any offence is committed or there is any attempt

to commit offence. Remedy of the petitioner against forcible eviction is to approach the Civil court as the parties are bound by the terms of the agreement and that apart, petitioner claims that it is a statutory tenant.

Under such circumstances, reserving the right of the petitioner to approach the Civil Court for appropriate orders, this writ petition is closed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

