

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 27163 of 2014 (U)

PETITIONER(S):

1. **SHRI.KOCHU MALAYALAPPUZHA DEVI TEMPLE,
BUND ROAD, ANANDAMoola, AZHAANKAAL,
KAIMANAM P.O., THIRUVANANTHAPURAM DISTRICT,
REPRESENTED BY P.S. UDAYAKUMAR, S/O.SADASIVAN NAIR,
AGED 45 YEARS, SECRETARY, SHRI KUCHU MALAYALAPPUZHA
DEVI KSHETHRA SAMRAKSHANA SAMITHI,
REGISTRATION NUMBER T 2838/07, ANANDAMoola, AZHAANKAAL,
KAIMANAM P.O., THIRUVANANTHAPURAM DISTRICT,
AND PRESENTLY RESIDING AT NALPPARAVILAKATHU VEEDU,
KALLIYOOR P. O., THIRUVANANTHAPURAM,
ORIGINALLY FROM PLAVIA PUTHEN VEEDU, OOKKODE,
KALLIYOOR VILLAGE, THIRUVANANTHAPURAM.**
2. **SRI KOCHU MALAYALAPPUZHA DEVI (DEITY AND MINOR),
ANANDAMoola, AZHAANKAAL,
KAIMANAM P.O., THIRUVANANTHAPURAM DISTRICT,
REPRESENTED BY P.S. UDAYAKUMAR, S/O.SADASIVAN NAIR,
AGED 45 YEARS, SECRETARY, SHRI KUCHU MALAYALAPPUZHA
DEVI KSHETHRA SAMRAKSHANA SAMITHI,
REGISTRATION NUMBER T 2838/07, ANANDAMoola, AZHAANKAAL,
KAIMANAM P.O., THIRUVANANTHAPURAM DISTRICT,
AND PRESENTLY RESIDING AT NALPPARAVILAKATHU VEEDU,
KALLIYOOR P. O., THIRUVANANTHAPURAM,
ORIGINALLY FROM PLAVIA PUTHEN VEEDU, OOKKODE,
KALLIYOOR VILLAGE, THIRUVANANTHAPURAM.**
3. **SHRI KUCHU MALAYALAPPUZHA DEVI KSHETHRA SAMRAKSHANA SAMITHI
REGISTRATION NUMBER T 2838/07, ANANDAMoola, AZHAANKAAL,
KAIMANAM P.O., THIRUVANANTHAPURAM DISTRICT,
AND PRESENTLY RESIDING AT NALPPARAVILAKATHU VEEDU,
KALLIYOOR P. O., THIRUVANANTHAPURAM,
ORIGINALLY FROM PLAVIA PUTHEN VEEDU, OOKKODE,
KALLIYOOR VILLAGE, THIRUVANANTHAPURAM.**

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4. P.S. UDAYAKUMAR, S/O.SADASIVAN NAIR,
PRESENTLY RESIDING AT NALPPARAVILAKATHU VEEDU,
KALLIYOOR P. O., THIRUVANANTHAPURAM,
ORIGINALLY FROM PLAVIA PUTHEN VEEDU, OOKKODE,
KALLIYOOR VILLAGE, THIRUVANANTHAPURAM, SECRETARY
SHRI KOCHU MALAYALAPPUZHA DEVI KSHETHRA SAMRAKSHANA SAMITHI
REGISTRATION NUMBER 2838/07, ANANDAMoola, AZHAANKAAL,
KAIMANAM P.O., THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.
SRI.GOVIND PADMANAABHAN
SRI.AJIT G.ANJARLEKAR

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY
TO GOVERNMENT OF KERALA,
DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-1
2. THE DIRECTOR GENERAL OF POLICE,
KERALA POLICE , POLICE HEAD QUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM.
3. THE COMMISSIONER OF POLICE,
THIRUVANANTHAPURAM CITY POLICE STATION,
OFFICE OF THE COMMISSIONER OF POLICE, VAZHUTHACAUD,
THIRUVANANTHAPURAM.
4. THE SUB INSPECTOR OF POLICE,
KARAMANA POLICE STATION, KARAMANA, THIRUVANANTHAPURAM.
5. BABU,
S/O.NARAYANAN T C 55/1123 , BINDHU BHAVAN, ANANDAMoola,
NIRAMANKARA, KAIMANAM P.O., THIRUVANANTHAPURAM - 41.
6. BINU,
S/O.BABU, T C 55/1123, BINDHU BHAVAN,
ANANDAMoola, NIRAMANKARA, KAIMANAM P.O.,
THIRUVANANTHAPURAM - 41.
7. VINOD @ RAJESH,
S/O.BABU, T C 55/1123, BINDHU BHAVAN,
ANANDAMoola, NIRAMANKARA, KAIMANAM P.O.,
THIRUVANANTHAPURAM - 41.

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8. MADHUSOODHANAN,
S/O.THANKAPPAN, VADEKKE THOPPU VEEDU, SIVA NAGAR,
KAIMANAM P.O., THIRUVANANTHAPURAM - 41.

9. GOPAKUMAR,
USHAS, 55/1161/HOUSE NO 26, SIVA NAGAR,
KAIMANAM P.O., THIRUVANANTHAPURAM - 41.

R1-R4 BY SNIOR GOVERNMENT PLEADER SRI.C.R.SYAM KUMAR
R5-R9 BY ADVS. SRI.VEMBAYAM A.A.HAKKIM
SRI.A.CHANDRA BABU
SMT.S.S.LOVELIN SITHARA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1:-A TRUE PHOTOCOPY OF THE COMPLAINT DTD 29/11/2013 SUBMITTED BY THE FOURTH PETITIONER HEREIN , FOR AND BEHALF OF THE THIRD PETITIONER SAMITHI, BEFORE THE FOURTH RESPONDENT.

TRUE ENGLISH TRANSLATION OF EXT P1.

EXT.P2:-ATRUE PHOTOCOPY OF THE COMPLAINT DTD 31/3/2014 SUBMITTED BY THE FOURTH PETITIONER HEREIN, FOR AND BEHALF OF THE THIRD PETITIONER SAMITHI, BEFORE THE FOURTH RESPONDENT.

TRUE ENGLISH TRANSLATION OF EXT P2.

EXT. P3:-A TRUE PHOTOCOPY OF THE PETITION DTD 30/1/2014 SUBMITTED BY THE FOURTH PETITIONER, FOR AND ON BEHALF OF THE THIRD PETITIONER, TO THE FOURTH RESPONDENT.

TRUE ENGLISH TRANSLATION OF EXT P3

EXT. P4:-A TRUE PHOTOCOPY OF THE PETITION DTD 27/2/2014 SUBMITTED BY THE FOURTH PETITIONER, FOR AND ON BEHALF OF THE THIRD PETITIONER TO THE FOURTH RESPONDENT.

TRUE ENGLISH TRANSLATION OF EXT P4.

EXT. P5:-A TRUE PHOTOCOPY OF THE PETITION DTD 24/4/2014 SUBMITTED BY THE FOURTH PETITIONER, FOR AND ON BEHALF OF THE THIRD PETITIONER TO THE FOURTH RESPONDENT

TRUE ENGLISH TRANSLATION OF EXT P5.

EXT. P6:-A TRUE PHOTOCOPY OF THE PETITION DTD 29/5/2014 SUBMITTED BY THE FOURTH PETITIONER, FOR AND ON BEHALF OF THE THIRD PETITIONER TO THE FOURTH RESPONDENT.

TRUE ENGLISH TRANSLATION OF EXT P6.

EXT. P7:-A TRUE PHOTOCOPY OF THE PETITION DTD 26/6/2014 SUBMITTED BY THE FOURTH PETITIONER, FOR AND ON BEHALF OF THE THIRD PETITIONER TO THE FOURTH RESPONDENT .

RUE ENGLISH TRANSLATION OF EXT P7.

EXT. P8:-A TRUE PHOTOCOPY OF THE PETITION DTD 27/7/2014 SUBMITTED BY THE FOURTH PETITIONER, FOR AND ON BEHALF OF THE THIRD PETITIONER TO THE FOURTH RESPONDENT.

TRUE ENGLISH TRANSLATION OF EXT P8.

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EXT. P9:-A TRUE PHOTOCOPY OF THE PETITION DTD 9/8/2014 SUBMITTED BY THE
FOURTH PETITIONER, FOR AND ON BEHALF OF THE THIRD PETITIONER TO
THE FOURTH RESPONDENT.

TRUE ENGLISH TRANSLATION OF EXT P9.

EXT.P10:-A PHOTOGRAPH SHOWING THE FRONT PORTION OF THE TEMPLE.

EXT.P11:-A PHOTOGRAPH SHOWING THE AREA WHERE THE SANCTUM SANCTORUM
OF THE TEMPLE IS SITUATED.

EXT.P12:-A PHOTOGRAPH OF THE AREA WHERE IN THE DEITY OF DRISHTI
GANAPATHY IS PLACED.

EXT.P13:-A PHOTOGRAPH OF THE AREA IN THE TEMPLE WHEREIN THE DEITIES OF
KOTTA MADA SWAMY AND YESSAKKI AMMAL ARE PLACED.

EXT.P14:-A PHOTOGRAPH EVIDENCING THE WORSHIPERS AT THE TEMPLE.

EXT.P15:-A PHOTOGRAPH SHOWING WORSHIPERS OFFERING THEIR PRAYERS AT
THE TEMPLE.

EXT.P16:-A PHOTOGRAPH SHOWING WORSHIPERS OFFERING POKKALA.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ASHOK BHUSHAN, Ag.C.J.

&

A.M. SHAFFIQUE, J.

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W.P.(C). No. 27163 of 2014

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Dated this the 12th day of February, 2015

JUDGMENT

A.M.Shaffique, J.

Petitioners have approached this Court seeking for police protection in the matter relating to the conduct of a temple. It is inter alia contended that the 1st petitioner is a temple administrated by the 3rd petitioner Samithi. Respondents 5 to 9 are the residents in the locality, where the temple is situated, creating nuisance and anti social activities preventing the worshipers of the temple from having access to the temple and the poojari performing the poojas and other rituals in the temple. Though complaint has been filed by them before the police to prevent such activities from respondents 5 to 9 and their men, no action has been taken in the matter. Hence, they filed this writ petition.

2. Counter affidavit has been filed by respondents 5 to 9 inter alia stating that there was no temple in the said locality, whereas one Mr.Rejikumar and the petitioners were carrying on certain activities in the locality, which is obstructed by the people in the locality. According to the respondents, they have not obstructed the functioning of the temple as there was no temple at all. People in the locality, due to cry and horror created during night hours, are living in fear. Such activities has to be stopped. However, according to them, they do not intend to create any obstruction as alleged. Further it is stated that no sanction or permission has been obtained for constructing the so called temple in the locality.

3. The averments in the counter affidavit has been denied by the petitioner by filing a reply. They have also produced certain photographs of the temple.

4. Learned Government Pleader on instructions, would submit that on the basis of the complaint received from the petitioners, police is keeping a constant vigil in the area and necessary police beat is also provided. No

activity as stated by respondents 5 to 9 has been found out during investigation. That apart, there is no untoward incident reported and there is constant patrolling by the police officers as well.

5. Having regard to the aforesaid factual situation, since the police has already taken appropriate action in the matter, we do not think that any direction as sought for is required to be passed. We record the submission of the learned Government Pleader and we only observe that if there is any further threat or obstruction, it shall be open for the petitioners to approach the police to ensure necessary assistance in the matter.

With the above observation, the writ petition is closed.

Sd/-
**ASHOK BHUSHAN,
ACTING CHIEF JUSTICE**

Sd/-
**A.M. SHAFFIQUE
JUDGE**

das

//TRUE COPY//

P.A. TO JUDGE