

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 27793 of 2015 (Y)

PETITIONER(S):

1. INDIRA K.S., AGED 38 YEARS,
D/O.LATE KANTHIMATHY,
RETD. CENTRAL GOVERNMENT EMPLOYEE, LEKSHMI VILAS,
NORTH OF VALIYA VEEDU TEMPLE,
THIRUVANANTHAPURAM DESOM, OTTOOR VILLAGE,
THIRUVANANTHAPURAM DISTRICT.
2. LALITHAMBIKA,
D/O.LATE PADMAVATHY, RETD. PROFESSOR, "DEVAYANOM,
PATTOM, THIRUVANANTHAPURAM DISTRICT.
3. K.S.BIJU,
S/O.LATE SREEDHARAN, RESIDING AT SNEHA VEEDU,
MARKET ROAD, ATTINGAL, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM DISTRICT.
4. B.JAYAPRAKASAN, S/O.BAHULEYAN, AGED 51 YEARS,
MATHANATTU HOUSE, KALLAMBALAM,
THIRUVANANTHAPURAM DISTRICT.
5. K.S.SABU, S/O.K.V.SUSEELAN, AGED 48 YEARS,
SREE BHAVAN, VELLARADA, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.M.R.RAJESH
SRI.K.M.ALEXANDER

RESPONDENT(S):

1. THE DEPUTY SUPERINTENDENT OF POLICE,
ATTINGAL, OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
ATTINGAL, PIN 695 101.
2. THE CIRCLE INSPECTOR OF POLICE,
VARKALA, OFFICE OF THE CIRCLE INSPECTOR OF POLICE,
MAITHANAM, VARKALA, PIN 695 141.
3. THE SUB INSPECTOR OF POLICE,
KALLAMBALAM POLICE STATION, KALLAMBALAM,
THIRUVANANTHAPURAM DIST., PIN 695 605.
4. B.S.PRASAD GANDHI,
ADVOCATE, RESIDING AT REVATHY BUILDING, VANCHIYOOR P.O,
THIRUVANANTHAPURAM, PIN 695 001.

R1-R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN
BY Sr.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-09-2015, ALONG WITH RP. 801/2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1- THE TRUE COPY OF THE MINUTES OF THE MEETING DTD 20.1.2013.

EXT.P1(a)- THE TRUE ENGLISH TRANSLATION OF EXT.P1.

EXT.P2- THE TRUE COPY OF THE MINUTES OF THE MEETING HELD ON
15.8.2015.

EXT.P2(a)- THE TRUE ENGLISH TRANSLATION OF EXT P2.

EXT.P3- THE TRUE COPY OF THE COMPLAINT DATED 1.9.2015.

EXT.P4- A TRUE COPY OF THE JUDGMENT DATED 17.8.2015 IN WP(C)-
NO.24871/2015 OF THIS HONOURABLE COURT.

EXT.P5- A TRUE COPY OF THE NOTICE DATED 7.9.2015 ISSUED BY
ADV.A.S.VIJAYAKUMR TO THE 2ND PETITIONER.

EXT.P5(a)- THE TRUE ENGLISH TRANSLATION OF EXT P5.

EXT.P6- A TRUE COPY OF THE MINUTES OF THE GENERAL BODY MEETING HELD
ON 9.9.15.

EXT.P6(a)- THE TRUE ENGLISH TRANSLATION OF EXT.P6.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

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

**W.P.(C)No.27793 of 2015 and
R.P.No.801 of 2015**

Dated this the 23rd day of September, 2015.

J U D G M E N T

SHAFFIQUE, J.

The above review petition is filed by a third party seeking for review of the judgment dated 17.8.2015 in W.P.(C)No.24871/15, which was filed by the 1st respondent herein, seeking police protection on the allegation that certain miscreants are not permitting to continue the work being carried on by the temple and that some anti social activists are also attempting to obstruct the poojas and the performances being carrying on in the temple in connection with the renovation of the same. After getting instruction from the learned State Attorney, by the judgment under review, we only permitted the petitioner to file appropriate complaint before the 4th respondent - Sub Inspector of Police, and it was also observed that, in the event there is

any obstruction or any attempt to commit offence or offence being committed, the 4th respondent shall look into the said complaint.

2. The contention on behalf of the review petitioners is that, they were members of the very same family of the petitioner in W.P.(C)No.24871/15 and several decisions have been taken for the management of the temple and the renovation works. It was without disclosing the said factual materials, the writ petition was filed. Further it was stated that the judgment of this Court had been misinterpreted by the Dy.S.P. and the respondents herein, and the review petitioners were prevented from exercising their right to manage the affairs of the temple.

3. It is also pointed out that the review petitioners have filed another writ petition seeking police protection which was dismissed by this Court on the ground that the dispute between the parties are of civil in nature, which cannot be

agitated before this Court and police interference cannot be made possible.

4. The review petitioners had also filed W.P.(C) No.27793/15 alleging harassment by the police, in which, it has been contended that based on the direction issued by this Court as per judgment dated 17.8.2015 in W.P.(C) No.24871/15, the 1st respondent in the review petition has filed complaint before the Police and on that basis, on instructions from the Dy.S.P., the police is unnecessarily interfering with the affairs of the temple.

5. Having regard to the said factual situation and after hearing the learned counsel appearing for the petitioners and the learned Government Pleader, we are of the view that, no review is required as far as the judgment dated 17.8.2015 in W.P.(C)No.24871/15 is concerned, as we have only directed the petitioner to approach the police, if there is any obstruction or any attempt to commit offence or offence

being committed and the police was directed to look into the matter. Hence, on the basis of the available materials, we do not think that there is any error apparent in the face of record warranting review of judgment in W.P.(C) No.24871/15. However, taking into consideration the apprehension expressed by the petitioner, we only observe that the police shall not interfere with the civil dispute between the parties as the right to manage the affairs of the temple is virtually a civil dispute which has to be resolved by the parties by approaching the civil court. It is made clear that, if there is any offence being committed or any attempt to commit offence, of course, the police will have to act, on the basis of the complaint filed by either of the parties.

With the above observation, this review petition is closed.

As far as W.P.(C)No.27793/15 is concerned, the action of the Dy.S.P. is based on the complaint filed by the 4th

respondent. As we have already clarified that the police shall not interfere with the civil dispute between the parties, no further directions are required in this writ petition. Accordingly, this writ petition is also closed.

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

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

ami/

//True copy//

P.A.to Judge