

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 28319 of 2015 (L)

PETITIONER :

G.P.DINESHKUMAR AGED 56 YEARS
S/O.G.C.PERUMAL VEL S FARMS, CHEMMANAM PATHI
GOVINDAPURAM P.O, KOLLANKODE, PALAKKAD DISTRICT.

BY ADVS.SMT.P.MAMATHA
SRI.ELDHO PAUL

RESPONDENTS :

1. THE INSPECTOR GENERAL OF POLICE
THRISSUR RANGE 680 001.
2. THE SUPERINTENDENT OF POLICE
PALAKKAD DISTRICT. 673 001.
3. THE DEPUTY SUPERINTENDENT OF POLICE
AALATHOOR 673 100.
4. THE SUB INSPECTOR OF POLICE
KOLLENKODE POLICE STATION, 683 100.
5. N.SENTHIL VEL GOUNTER
S/O.NALLIMUTHU GOUNTER, VEL S HIGH YIELD FARM
NEAR SIPCOT, MANAMAUDRA TAMIL NADU, 600 001.

R1 TO R4 BY STATE ATTORNEY, SRI.P. VIJAYARAGHAVAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE JUDGMENT DATED 04.06.2004 IN
WP(C) No.16745 OF 2004.

EXT.P2 : TRUE COPY OF THE LETTER ISSUED BY THE STATE POLICE CHIEF
TO THE DISTRICT POLICE CHIEF DATED 05.03.2015.

EXT.P3 : TRUE COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT
DATED 03.06.2015 ADDRESSED TO THE PETITIONER.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

Ashok Bhushan, C.J. & K. Vinod Chandran, J.

W.P.(C) No. 28319 OF 2015

Dated this the 18th day of September, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and learned Government Pleader.

2. By this writ petition the petitioner has prayed for a mandamus directing respondents 1 to 4 to afford adequate and necessary protection to the life and properties of the petitioner. Petitioner's case in the writ petition is that petitioner has taken 50 Acres of coconut farm on lease for 20 years which is known as 'Vels Farm'. It is submitted that the petitioner is not being permitted to enjoy the property. The petitioner had earlier filed W.P.(C) No. 16745 of 2004, wherein the Division Bench has made an observation that if there is any threat to the life of the petitioner, the 3rd respondent (the Sub Inspector of Police, Kollengode) shall give adequate protection as and when necessary.

3. Learned Government Pleader submits that petitioner's lease period has come to an end in 2005 and suit filed by him for possession has been dismissed. There is also a decree against the petitioner restraining him from entering into the premises. It is submitted that all these facts have not been mentioned in the writ petition. Petitioner is also accused in criminal cases and in some cases he has already been convicted.

4. Petitioner himself has produced Ext.P3 letter of Deputy Superintendent of Police, Alathur written to the petitioner stating that the matter was personally enquired by the Deputy Superintendent of Police and it is revealed that the petitioner and his family members are not living in the address shown and the request for police protection cannot be acceded to.

5. From the facts as transpired and especially on the instructions received by learned State Attorney, we are of the view that the petitioner has not disclosed the relevant facts and has not come up with clean hands with

WP(C) No. 28319 of 2015

-:3:-

the writ petition. The petitioner is clearly not entitled for police protection and the writ petition is nothing but an abuse of process of court. The Writ Petition is dismissed.

**Ashok Bhushan,
Chief Justice.**

**K. Vinod Chandran,
Judge.**

ttb/18/09