

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. 28712 of 2015 (L)

PETITIONER(S):

- 1. MINI DILIP, AGED 42 YEARS,
GANGA, KOMBARA HOUSE, AYYAPPANKAVU WEST ROAD,
ERNAKULAM NORTH.**
- 2. LINO JACOB,
COUNCILLOR, WARD MEMBER 67, (DEPUTY MAYOR),
KOCHI CORPORATION, CORPORATION OF KOCHI 11.**
- 3. M.B.MURALEEDHARAN
COUNCILLOR, DIVISION 41, PADIVATTOM,
CORPORATION OF KOCHI, KIZHAKKE MADAVANA, ERNAKULAM
VENNALA.**
- 4. SOUMINI JAIN,
CHAIR PERSON, WORKS STANDING COMMITTEE,
CORPORATION OF KOCHI, MYNAKAM,
LV 471982 SREEKANDATHU ROAD, KOCHI,
MAHATMAGANDHI ROAD.**
- 5. CELINE PETER,
COUNCILLOR, DIVISION 11, THOPPUMPADY
CORPORATION OF KOCHI, XVIII/1571, MURIKKUMTHARA,
PALLICHAL ROAD, THOPPUMPADY, THOPPUMPADY.**
- 6. R.THYAGARAJAN
CHAIRMAN, EDUCATION AND SPORTS COMMITTEE,
CORPORATION OF KOCHI, THOTTUNGAL HOUSE,
PALLURUTHY NADA, PALLURUTHY.**
- 7. K.R.PREMAKUMAR,
COUNCILLOR, DIVISION 17, PERUMBADAPPU,
CORPORATION OF KOCHI, XX/1709B, KUZHIPARAMBIL HOUSE,
KONAM, PALLURUTHY SOUTH.**
- 8. A.C. CLARANCE
COUNCILLOR, DIVISION 23, CORPORATION OF KOCHI
ATHIPOZHIL HOUSE, MANASSERRY, MUNDAMVELI.**

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9. SHYLA THADEVOUSE,
COUNCILLOR, DIVISION 24, MOOLAMKUZHY,
CORPORATION OF KOCHI, KADUNGAMPARAMBIL, MOOLAMKUZHI,
COCHIN, MUNDAMVELI.
10. SHIJI ROY,
COUNCILLOR, DIVISION 26, CORPORATION OF KOCHI,
XI/1100, ST.JOHN PATTOM, KOCHI.
11. ADV.ANTONY KUREETHARA,
COUNCILLOR, DIVISION 1, FORT KOCHI,
CORPORATION OF KOCHI, KOCHI 11, KUREETHARA HOUSE,
1/1444 (1/1146), ERNAKULAM, FORTKOCHI.
12. T.K.BABU
COUNCILLOR, DIVISION 8, PANAYAPPILLY,
CORPORATION OF KOCHI, XVI/374C, THAIPARAMBIL HOUSE,
KARUVELIPADY, THOPPUMPADY.
13. MARY CALESTA PRAKASAN,
COUNCILLOR, DIVISION 22, MUNDAMVELIL,
CORPORATION OF KOCHI, KADAVILPARAMBIL, ERNAKULAM
MUNDAVELIL.
14. GRACY ANTONY,
COUNCILLOR, DIVISION 58, KONTHURUTHY,
CORPORATION OF KOCHI, PUNNACKAL HOUSE, JYOTHI NAGAR,
KONTHURUTHY, THEVARA.
15. ELIZABETH TEACHER,
DIVISION 60, PERUMANOOR, CORPORATION OF KOCHI,
KOLOTH HOUSE, LIG 661, KOCHI,
PANAMPILLY NAGAR.
16. M.N.BHAMA PADMANABHAN,
COUNCILLOR, DIVISION 56, PANAMPILLY NAGAR,
CORPORATION OF KOCHI, THURUTHIPARAMBIL HOUSE
ERNAKULAM, KADAVANTHARA.
17. SUJA ROY,
COUNCILLOR, DIVISION 55, GIRI NAGAR,
CORPORATION OF KOCHI, 28/112A, MANIVELIL HOUSE,
PARAPPALLY LANE, ERNAKULAM, PANAMPILLY NAGAR.
18. DELINA PINHEIRO
COUNCILLOR, DIVISION 73, PACHALAM,
CORPORATION OF KOCHI, CHEENIKKAPARAMBIL HOUSE,
SRM ROAD, PACHALAM.

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19. T.N.CHANDRIKA,
COUNCILLOR, DIVISION 69, THRIKKANARVATTOM,
CORPORATION OF KOCHI, THUNDIPARAMBIL, SIVA KRIPA,
ERATTAKULANGARA ROAD, PACHALAM.
20. T.J.VINOD,
CHAIRMAN, DEVELOPMENT STANDING COMMITTEE, DIVISION 44,
CORPORATION OF KOCHI, THYVELIKKAKATH, NAROTH ROAD,
ERNAKULAM, THAMMANAM.
21. REMA GOPAKUMAR,
COUNCILLOR, DIVISION 38, DEVAN KULANGARA,
CORPORATION OF KOCHI.
22. AGIE TEACHER,
COUNCILLOR, DIVISION 39, KARUKAPPILLY,
CORPORATION OF KOCHI.
23. PATHUKUTTY ASHRAF,
COUNCILLOR, DIVISION 70, KALOOR NORTH,
CORPORATION OF KOCHI.
24. GRACY JOSEPH,
COUNCILLOR, DIVISION 65, CORPORATION OF KOCHI.
25. SUNITHA DIXON,
COUNCILLOR, DIVISION 49, VYTILA,
CORPORATION OF KOCHI.
26. PIUS JOSEPH,
COUNCILLOR, DIVISION 35, PONEKKARA,
CORPORATION OF KOCHI.
27. V.N.SAROJINI,
COUNCILLOR, DIVISION 37, EDAPPALLY,
CORPORATION OF KOCHI.
28. MERCY TEACHER,
COUNCILLOR, DIVISION 51, CORPORATION OF KOCHI.
29. RATNAMMA RAJU,
CHAIRPERSON, TAX APPEAL STANDING COMMITTEE,
DIVISION 52, CORPORATION OF KOCHI.
30. ESSY JOSEPH,
CHAIRPERSON, WELFARE STANDING COMMITTEE, DIVISION 57,
CORPORATION OF KOCHI.

BY ADVS.SMT.SUMATHY DANDAPANI (SR.)
SMT.TANYA JOY

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RESPONDENT(S):

1. KOCHI COPORATION,
ERNAKULAM, KOCHI 682 001,
REPRESENTED BY ITS SECRETARY.
2. COMMISSIONER OF POLICE,
REVENUE TOWER, COCHIN CITY, 682 001.
3. ASSISTANT COMMISSIONER OF POLICE,
CENTRAL POLICE STATION, COCHIN 682 031.
4. CIRCLE INSPECTOR OF POLICE,
CENTRAL POLICE STATION, COCHIN 682 031.
5. SUB INSPECTOR OF POLICE,
CENTRAL POLICE STATION, COCHIN 682 031.
6. PRAJEEV
CPI (M) DISTRICT SECRETARY, LENIN CENTRE,
KALOOR 682 017.
7. V.A.SRIJITH,
VATTAKKATT HOUSE, HMC ROAD, KADEBHAGAM,
PALLURUTHY 682 005.
8. BENEDICT FERNANDEZ (BENNY),
XXVIII/1576, KARATHARA HOUSE, FORT KOCHI,
VELY, KOCHI 682 001.
9. ADV.M.ANILKUMAR,
MONYMEKHALA, ERNAKULAM, ELAMAKARA 682 026.
10. M.P.MAHESH KUMAR,
MAKKOMBILLY HOUSE, AIMS, KOCHI 682 024.
11. K.V.MANOJ
KANDEKKEETHU, AZAD ROAD, KALOOR,
KOCHI 682 017.
12. SOJAN ANTONY
CHITTEZHATH HOUSE, KATHRIKADAVU, KALOOR,
KOCHI 682 017.
13. P.R.RANISH
PAZHANGATTU HOUSE, LIG 813, ERNAKULAM,
PANAMPILLY NAGAR, KOCHI 682 031.

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**14. MUMTHAZ TEACHER,
XXIII/659, POKKANAMURI HOUSE, PALLURUTHY,
KOCHI 682 005.**

**R1 BY ADVS. SRI.BABU KARUKAPADATH,SC
SRI.P.K.SOYUZ,SC,
R2-5 BY SENIOR GOVERNMENT PLEADER SRI.P.I.DAVIS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE LIST OF CORPORATION COUNCIL REPRESENTING EACH WARDS ALONG WITH PARTY NA.**
- EXHIBIT P2. TRUE COPIES OF THE NOTICES DATED 14.9.15 AND 11.9.15 ISSUED BY THE IST RESPONDENT.**
- EXHIBIT P2(A). TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P2.**
- EXHIBIT P3. TRUE COPY OF THE NEWSPAPER REPORTS DATED 19.9.15 IN TIMES OF INDIA, KOCHI EDITION, DECCAN CHRONICLE DAILY AND THE NEW INDIAN EXPRESS DAILY SHOWING REPORT OF THE VIOLENT ACTIVITIES OF THE RESPONDENT PROTESTORS.**
- EXHIBIT P4. TRUE COPY OF THE PHTOGRAPHS SHOWING THE MAYOR IN CAPTIVE AND ALSO THE PROTESTORS IN THE OFFICE PREMISES AND BLOCKING THE ROADS.**
- EXHIBIT P5. TRUE COPY OF THE NOTICE DATED 19.9.15 REGARDING THE SPECIAL COUNCIL SESSION PROPOSED TO BE HELD ON 23.9.15.**
- EXHIBIT P5(A). TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P5.**
- EXHIBIT P6. TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE CITY POLICE COMMISSIONER, ERNAKULAM BY THE WOMEN COUNCILORS, OF THE KOCHI MUNICIPAL CORPORATION, DATED 22.9.15.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

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ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 28712 of 2015

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Dated this, the 23rd day of September, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the learned counsel for the petitioners, learned counsel appearing for the 1st respondent as well as the Senior Government Pleader.

2. Petitioners by this writ petition have prayed for a direction to respondents 2 to 5 to render necessary, sufficient and effective police protection so as to enable them to attend the Special Council Session to be held on 23/9/2015 and also to ensure that the entire Special Council Meeting goes through without any obstruction against respondents 6 to 14.

3. In view of the facts of the present case and the judgment which is proposed to be passed, we see no reason to issue any notice to respondents 6 to 14.

4. Learned counsel for the 1st respondent also submitted that they also apprehend serious law and order problem. As

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directed by us, learned Senior Government Pleader after obtaining instructions has submitted that police authorities are taking all care and has deployed about 200 officials to ensure that no obstruction is created to anyone going to attend the Special Council Session and that appropriate measures shall be taken to ensure that law and order is maintained.

5. In view of the aforesaid, we are of the view that appropriate measures shall be taken by the police authorities to ensure maintenance of law and order and to ensure that no one is physically obstructed from attending the Special Council Meeting.

Writ petition is disposed of with the aforesaid directions.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

23/09/2015

//True Copy//

PS to Judge