

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

WP(C).No. 28944 of 2015 (P)

PETITIONER:

**SUDARSAN, AGED 52 YEARS,
S/O.KARUNAKARAN, CALICUT LUNCH HOUSE,
PREMIER BUILDING, COURT ROAD, CALICUT.**

BY ADV. SRI.L.RAJESH NARAYAN

RESPONDENT(S):

- 1. SUB INSPECTOR OF POLICE,
KOZHIKODE TOWN POLICE STATION-673001.**
- 2. CIRCLE INSPECTOR OF POLICE,
KOZHIKODE TOWN-673001.**
- 3. DEPUTY COMMISSIONER OF POLICE, KOZHIKODE.**
- 4. M.P.SURENDRAN, AGED 56 YEARS,
S/O.VELAYUDHAN, 38/273, CHAITHANYAM,
VADOORMETHEL, KUTHIRAVATTOM.P.O, CALICUT.**
- 5. M.BALAN, AGED 49, S/O.ARUMUGHAN, GREESHMAM,
NEAR OFFICERS CLUB, THIRUTHIYAD,
PUTHIYARA.PO, CALICUT-673004.**
- 6. RAKESH, ADDITIONAL SECRETARY, VISHWA HINDU PARISHAD,
CALICUT CITY COMMITTEE, ARGASHALAGANAPATHY
TEMPLE COMPLEX, COURT ROAD, CALICUT-673001.**
- 7. SHIBU, VISHWA HINDU PARISHAD, CALICUT CITY COMMITTEE,
ARGASHALAGANAPATHY TEMPLE COMPLEX, COURT ROAD,
CALICUT-673001.**
- 8. BAIJU, VISHWA HINDU PARISHAD, CALICUT CITY COMMITTEE,
ARGASHALAGANAPATHY TEMPLE COMPLEX, COURT ROAD,
CALICUT-673001.**

R1 TO R3 BY SENIOR GOVT. PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 28944 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1 : TRUE COPY OF THE COMPLAINT DATED 18.9.2015.

EXT.P1(A): ENGLISH TRANSLATION OF EXT.P1.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.28944 of 2015

Dated this the 25th day of September 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking police protection. It is inter alia stated that the 4th respondent was earlier running a canteen in a portion of a three storied building owned by the petitioner. The 4th respondent was later evicted and the petitioner is presently running the said canteen by name 'Calicut Lunch House'. It is stated that though there is no dispute between the petitioner and the 4th respondent, respondents 5 to 8 are unnecessarily interfering with the functioning of the business. On 07/09/2015, they had trespassed into the hotel and disrupted the functioning of the hotel and also harmed the staff. Complaint was given to the police and the police had to come and maintain law and order. Petitioner submits that the illegal acts of respondents 6 to 8 continues and therefore unless proper police protection is granted in the matter, petitioner will not be in a position to run the business. Petitioner had given Ext.P1 complaint, but so far no action has been taken by the police.

2. The learned Government Pleader, on instructions, would submit that 4th respondent claims to be a partner in the business being conducted by the petitioner and there is some dispute between them which resulted in the issues by which disruption was caused to the functioning of the hotel on 07/09/2015. It is also submitted by the learned Government Pleader that the business is not being conducted presently.

3. The learned counsel for the petitioner would submit that as far as the 4th respondent is concerned, he has no right to carry on the business and he has no dispute with reference to the business being conducted by the petitioner. 4th respondent owes some amount to the petitioner. However, there is no reason why respondents 6 to 8 should interfere with the functioning of the petitioner's business.

4, Having regard to the aforesaid factual situation, we are of the view that if the dispute between the petitioner and the 4th respondent is regarding the conduct of business, the remedy of the petitioner is to approach Civil court and seek appropriate relief. Police can interfere only if there is any law and order situation and in such an event, it is always open for the petitioner

to file necessary complaint before the police who shall look into the matter and take appropriate action, in accordance with law.

With the above observation, this writ petition is closed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

