

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 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C).No. 29839 of 2014 (D)

PETITIONER(S) :-

1. M/S.CARNOUSTIE RESORTS PVT. LTD.,
HAVING ITS REGISTERED OFFICE AT 326, MASER MIND-I
ROYAL PALM AREY COLONY, GOREGAON (EAST), MUMBAI
MAHARASHTRA - 400 065
REPRESENTED BY ITS DIRECTOR MR.RANDEEP WARICH
S/O.COL. CPS WARICH.
2. ELECTRA HEIGHTS PVT. LTD.,
HAVING ITS REGISTERED OFFICE AT 206, SECOND FLOOR
HEMKUNT TOWER 98, NEHRU PLACE, NEW DELHI - 110 019
REPRESENTED BY ITS AUTHORISED SIGNATORY
MR.RANDEEP WARICH, S/O.COL. CPS WARICH.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENT(S) :-

1. THE INSPECTOR GENERAL OF POLICE, ERNAKULAM - 682 031.
2. THE SUB INSPECTOR OF POLICE,
ARUTHUNKAL POLICE STATION, ARUTHUNKAL P.O., CHERTHALA
ALAPPUZHA - 688 535.
3. DISTRICT COLLECTOR,
COLLECTORATE, ALAPPUZHA - 688 001.
4. THANKAN @ THANKACHAN,
S/O.VAVACHAN, KAKKARIYIL HOUSE, CHETHY P.O.
CHENNAVELI, CHERTHALA, ALAPPUZHA - 688 530.
5. KUTTAPPAN, S/O.JOSE, MOOPPASERIL HOUSE, CHETHY P.O.
CHENNAVELI, CHERTHALA, ALAPPUZHA - 688 530.
6. BENNY, S/O.JOSEPH, KALATHIL, CHETHY P.O.
CHENNAVELI, CHERTHALA, ALAPPUZHA - 688 530.

R4 - R6 BY ADV. SRI.BABU CHERUKARA

R1 - R3 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT P1. TRUE COPY OF THE CERTIFICATE OF INCORPORATION DATED 10.08.2007 ISSUED BY THE REGISTRAR OF COMPANIES, MUMBAI IN FAVOUR OF THE 1ST PETITIONER.

EXHIBIT P2. PHOTOGRAPHS SHOWING THE LOCATION AND NATURE OF THE RESORT CONSTRUCTED BY THE 1ST PETITIONER.

EXHIBIT P3. TRUE COPY OF THE CERTIFICATE OF INCORPORATION ISSUED BY THE REGISTRAR OF COMPANIES TO THE 2ND PETITIONER.

EXHIBIT P4. TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.P. (C) NO.3028/2012.

EXHIBIT P5. TRUE COPY OF THE MINUTES ALONG WITH ENGLISH TRANSLATION OF THE MEETING CONVENED BY THE DISTRICT COLLECTOR, ALAPPUZHA AND HELD ON 07.05.2014.

EXHIBIT P6. TRUE COPY OF MEMORANDUM OF UNDERSTANDING DATED 05.09.2014 WAS ENTERED INTO BETWEEN THE 1ST PETITIONER AND REPRESENTATIVES OF ST.ANTONY'S CHURCH.

EXHIBIT P7. TRUE COPY OF THE ACKNOWLEDGMENT ISSUED BY THE OFFICE OF THE HOME MINISTER, GOVERNMENT OF KERALA TO THE PETITIONER.

EXHIBIT P8. TRUE COPY OF THE REPRESENTATION DATED 14.10.2014 PREFERRED BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P9. TRUE COPY OF THE LETTER DATED 05.10.2014 ADDRESSED BY THE 1ST PETITIONER TO THE 3RD RESPONDENT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

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Dated this the 20th day of November 2015

J U D G M E N T

Shaffique, J.

The petitioners have approached this Court alleging threat and interference by respondents 4 to 6 in the matter relating to running of a resort. It is alleged that the private respondents had been indulging in criminal activities, by which, petitioners' employees, staff, customers etc. were under severe threat.

2. An interim order had already been issued by this Court on 11.11.2014, by which, direction had been issued to the police to ensure maintenance of law and order.

3. Learned Government Pleader submits that after the interim order, the police is keeping a constant vigil on the activities of the private respondents.

4. Having regard to the nature of activity, that is being done by the petitioners, we are of the view that the police shall keep a constant vigil on the activities of respondents 4 to 6 and if any untoward incident happens, it shall always be open for the

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petitioners to approach the police, who shall immediately look into the matter and render necessary protection.

This writ petition is disposed of as above.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

Jvt/20.11.2015.