

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C) .No. 31459 of 2015 (F)

PETITIONER(S) :-

THE CHINAKATHUR POORAM OTTAPALAM DESOM COMMITTEE
REG.No.536/97, T B ROAD, OTTAPALAM - 679 101,
REP. BY ITS PRESIDENT A.SREEKUMARAN, AGED 67 YEARS
S/O.DAMODARAN NAIR, ABHAYAM, THOTTAKARA, OTTAPALAM-1.

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)

RESPONDENT(S) :-

1. THE STATE OF KERALA, REP. BY THE SECRETARY TO THE
GOVERNMENT, HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.
2. THE CIRCLE INSPECTOR OF POLICE,
OTTAPALAM POLICE STATION, PALAKKAD DISTRICT-689 101.
3. P.RAVEENDRAN, AGED 59 YEARS, S/O.PARUKUTTY AMMA,
PALLUR HOUSE, PALATTU ROAD, ARRIYOOR THEKKUMURI DESOM,
OTTAPALAM AMSOM, OTTAPALAM TALUK, PIN - 689 001.
4. SIVADASAN, AGED 52 YEARS, S/O.RATNAVALLI AMMA,
KATTANAKKALAM HOUSE, THOTTAKKARA (P.O),
OTTAPALAM TALUK, PIN - 689 001.
5. BALAKRISHNAN, AGED 73 YEARS, S/O.MADHAVAN NAIR,
"SHRUTHI", SUNDHARAIYER ROAD, OTTAPALAM (P.O),
OTTAPALAM TALUK, PIN - 689 001.
6. K.SASIKUMAR, S/O.LATE GOPALAKRISHNAN NAIR,
KARUTHEDATH, THOTTAKARA P.O., OTTAPALAM - 689 001.
7. V.MOHAN KUMAR, S/O.PARAMESWARAN NAIR,
"LAVANNYA", MAIN ROAD, OTTAPALAM - 689 001.

R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 15-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

jvt

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 :- TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED TO THE PETITIONER'S BODY BY THE REGISTRAR OF SOCIETIES, DATED 17.12.1998, WITH ENGLISH TRANSLATION.

EXT.P2 :- TRUE COPY OF THE RECEIPT ISSUED BY THE DISTRICT REGISTRAR, PALAKKAD DATED 12.8.2015 WITH ENGLISH TRANSLATION.

EXT.P3 :- TRUE COPY OF THE LIST OF ADMINISTRATIVE BODY, FOR THE YEAR 2015-16, SUBMITTED TO THE DISTRICT REGISTRAR, PALAKKAD DATED NIL WITH ENGLISH TRANSLATION.

EXT.P4 :- TRUE COPY OF THE PLAINT IN O.S.No.440/2015 DATED 30.8.2015 FILED BEFORE THE MUNSIFF'S COURT, OTTAPALAM WITH ENGLISH TRANSLATION.

EXT.P5 :- TRUE COPY OF THE COMPLAINT LODGED BEFORE THE DISTRICT REGISTRAR, PALAKKAD DATED 16.7.2015 WITH ENGLISH TRANSLATION.

EXT.P6 :- TRUE COPY OF THE FABRICATED NOTICE ISSUED DATED 7.9.2015 WITH ENGLISH TRANSLATION.

EXT.P7 :- TRUE COPY OF THE COMPLAINT LODGED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 10.9.2015 WITH ENGLISH TRANSLATION.

EXT.P8 :- TRUE COPY OF THE F.I.R. IN CRIME No.1070 OF 2015 DATED 25.9.2015 OF THE OTTAPALAM POLICE STATION WITH ENGLISH TRANSLATION.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.31459 of 2015

Dated this the 15th day of October 2015

J U D G M E N T

Shaffique, J.

The petitioner claims to be the President of the Chinakathur Pooram Ottapalam Desom Committee, who has approached this Court alleging that respondents 3 to 7 are obstructing various meetings, functions and rituals that are being conducted by the Committee with reference to the Chinakathur Bhagavathy Temple. It is stated that respondents 3 to 7 have no right to interfere in the meetings and festivals being conducted by the Committee. When there had been illegal obstructions from the side of the private respondents, the petitioner had approached the police and had given a complaint seeking police protection and since no action had been taken in the matter, this writ petition has been filed.

2. Learned Government Pleader on instructions would submit that though the petitioner claims to be the President of the Committee, on an enquiry conducted by the police, it was revealed that respondents 3 to 7 also claims to be the members of a parallel committee. As far as the contention regarding police protection is concerned, when a complaint is received, police personnels are made available to ensure maintenance of law and order.

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3. Having regard to the aforesaid factual situation, we do not think that the police can interfere in a factional dispute between the petitioner and rival faction represented by respondents 3 to 7. If at all there is any such issue, it has to be settled through a civil court. The police cannot involve in such matters and resolve such dispute. The police can interfere only if there is any law and order situation.

4. Under such circumstances, we do not think that any direction as sought for can be granted in this writ petition. We only observe that if there is any law and order situation, on the request of the petitioner, the police shall look into the matter and do the needful. However, it is without prejudice to the right of the petitioner to approach the civil court and seek for appropriate relief.

With the above observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE