

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. 31475 of 2015 (H)

PETITIONER(S):

ABDUL SAMAD,
NADUVELIPARAMBIL HOUSE,
MANJALI P.O., ALUVA.

BY ADVS. SRI. P. SREEKUMAR
SRI. S. PRASANTH
SRI. SOORAJ T. ELENJICKAL
SRI. K. NANDAKUMAR
SMT. V.A. HARITHA
SMT. P.M. MAZNA MANSOOR
SRI. P. VIVEK.

RESPONDENT(S):

1. DEPUTY SUPERINTENDENT OF POLICE,
PERUMBAVOOR - 683542.
2. SUB INSPECTOR OF POLICE,
THADIYITTA PARAMB, CHEMPERAKI
POLICE STATION - 683 105
3. AJFAR, THEKKANATH HOUSE,
KAIPOORIKARA, THADIYITTA PARAMB P.O.,
ERNAKULAM DISTRICT - 683 105.
4. DILEEP, S/O. VELAYUDHAN,
PULLIYIL HOUSE, CHEMPARAKKI,
NADAKKAV - 683 105.
5. ASKAR, S/O. ASSI, POOVATHINKAL HOUSE,
MIARAMPILLY, ALUVA - 683 107.
6. AFSAL, KANDALAM HOUSE,
MARAMPILLY, ALUVA - 683 107.
7. SABEEL, KANNAMKULATH HOUSE,
MARAMPILLY, ALUVA - 683 107.

R1 & 2 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:

WP(C).No. 31475 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1 : A TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT OF REGISTRATION FEE BY VAZHAKULAM GRAMA PANCHAYAT.

EXHIBIT P2: A TRUE COP OF THE COMPLAINT SUBMITTED BEFORE THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITA

NIL

// TRUE COPY //

P.A. TO JUDGE

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

W.P.(C) No.31475 of 2015

Dated this the 15th day of October 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court alleging obstruction by respondents 3 to 7 in the matter relating to functioning of the hospital, which runs under the name and style “Bharath Nursing Home”. The petitioner submits that under the guise of an incident, in which, a patient complained that medicine was given after the expiry date, Respondents 3 to 7 have interfered in the matter and on 11.10.2015, they entered into the hospital and caused obstruction to the functioning of the hospital. On account of their illegal action, the hospital remains closed. Though the petitioner had given a complaint to the police for necessary action, no steps had been taken by the police in this regard and therefore, the writ petition has been filed.

2. Having regard to the fact that the petitioner is running a hospital, respondents 3 to 7, the strangers, have no right to interfere with the functioning of the said hospital. If there is any obstruction from respondents 3 to 7, the police has to interfere in the matter and ensure that hospital is functioning smoothly.

-: 2 :-

Under such circumstances, we dispose of the writ petition in the following manner :-

The 2nd respondent shall ensure that no obstruction is caused by respondents 3 to 7 or their men in the matter relating to functioning of the hospital and shall ensure free ingress and egress to the hospital and shall also ensure maintenance of law and order.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE