

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

WP(C).No. 32791 of 2014 (Y)

PETITIONERS :

1. KURIAKOSE ELIAS SERVICE SOCIETY (KESS) NAIKKANAL,
THRISSUR - 680 001,
REPRESENTED BY ITS SECRETARY
FR.JOY VATTOLY,CMI.
2. DHARSANA VEEDU CHARITABLE TRUST,
DEVAMATA CMI PROVINCIAL HOUSE, THIRUVAMBADI P.O.
THRISSUR - 680 022, REPRESENTED BY ITS SECRETARY
FR.SHAJU EDAMANA CMI.

BY SENIOR ADVOCATE SRI.P.VIJAYA BHANU
BY ADVS.SRI.AJEESH K.SASI
SRI.UNNI SEBASTIAN KAPPEN

RESPONDENTS :

1. KERALA STATE PUBLIC CHIEF,
THIRUVANANTHAPURAM - 695 001.
2. INSPECTOR GENERAL OF POLICE,
THRISSUR RANGE, THRISSUR - 680 001.
3. ASSISTANT COMMISSIONER OF POLICE,
THRISSUR - 680 001.
4. CIRCLE INSPECTOR OF POLICE,
OLLUR POLICE STATION, THRISSUR DISTRICT - 680 306.
5. S.I OF POLICE,
MANNUTHY POLICE STATION
THRISSUR DISTRICT - 680 651.

6. N.N.DRUVAKUMAR,
S/O.NARAYANAN, NETTISSERY HOUSE, MANNUTHY P.O.
OLLUKKARA VILLAGE, THRISSUR DISTRICT - 680 651
PRESIDENT, ELANJIKKULAM MAHADEVA TEMPLE PARIPALANA SAMITHI

7. K.K. RATHEESH,
S/O.KUTTAN, KODAKARA HOUSE, MANNUTHY P.O.
OLLUKKARA VILLAGE, THRISSUR DISTRICT - 680 651
SECRETARY, ELANJIKKULAM MAHADEVA TEMPLE
PARIPALANA SAMITHI.

R1 TO R5 BY SR. GOVT. PLEADER SRI. C.R. SYAMKUMAR
R6 & R7 BY ADV. SRI.RAJIT

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...3/-

WP(C).No. 32791 of 2014 (Y)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1. TRUE COPY OF THE COMMUNICATION OF THE COLLECTOR DATED 08.04.2014 ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT P2. TRUE COPY OF THE NOTICE PUBLISHED BY THE RESPONDENTS ANNOUNCING THE INSTALLATION CEREMONY OF 'THRISOOL' ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT P3. TRUE COPY OF THE NOTICE OF INTERIM ORDER OF INJUNCTION PASSED BY THE MUNSIF COURT ISSUED TO THE RESPONDENTS ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT P4. TRUE COPY OF THE REPRESENTATION DATED 02.12.2014 SUBMITTED TO THE 1ST RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.32791 of 2014

Dated this the 30th day of November 2015

J U D G M E N T

Shaffique, J

Petitioners have approached this Court seeking police protection alleging that respondents 6 and 7 are causing threat and obstruction to the petitioners from enjoying the property and making necessary construction in the same. It is submitted that petitioners have already filed a suit as O.S.No.7881/2014 and an interim injunction has been granted restraining respondents 6 and 7 from trespassing into the property. But, according to the petitioners, respondents 6 and 7 are alleging that the property is an old temple and hence they will forcefully construct a temple therein.

2. We have already issued an interim order dated 08/12/2014 directing the police to ensure maintenance of law and order.

3. Learned counsel appearing for respondents 6 and 7 would submit that they have not indulged in any activity, as

alleged and the issue is pending before the Civil Court.

4. The facts being so, we do not think that any direction, as sought for, is required to be passed. We only observe that if there is any law and order situation, it is always open for the petitioners 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)

True Copy

PA to Judge

jsr/01/12/2015