

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 33567 of 2015 (U)

PETITIONER :

**R.PARAMESWARAN,
MANAGING PARTNER, M/S. KAMAKSHY CONSTRUCTIONS,
RESIDING AT TEMPLE TREE APARTMENT, T.C.35/4250,
PAZHAYANADUKKAVU, TRICHUR.**

BY ADV. SRI.B.KRISHNA MANI

RESPONDENT(S):

- 1. THE COMMISSIONER OF POLICE,
THRISSUR-680 001**
- 2. CIRCLE INSPECTOR OF POLICE,
EAST POLICE STATION, THRISSUR-682 021**
- 3. THE SUB INSPECTOR OF POLICE, EAST POLICE STATION,
THRISSUR TOWN, PIN-680 020**
- 4. SMT. SAROJA SEETHARAMAN, 3D,
TEMPLE CHARIOT APARTMENT, NEW EXTENTION,
VENNAKKARA ROAD, NOORANI, PALAKKAD-678 004**
- 5. MARTIN THOMAS, KURUTHUKULANGARA KOOLA HOUSE,
ARANATTUKARA, THRISSUR-680 618**
- 6. A.SURENDRAN, AMMATHU HOUSE, KASMEERAM,
PATTIKADU, THRISSUR-680 618**
- 7. ADVOCATE JOPPAUL, CHITILAPPILLI HOUSE, ADATTU,
THRISSUR-680 554**

R1 TO R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE AGREEMENT DATED 18/3/2012.
- P2 COPY OF THE DEED OF PARTNERSHIP DATED 19/3/2012.
- P3 COPY OF THE ENCUMBRANCE CERTIFICATE DATED 16/9/2015
- P3(A) COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P3
- P4 COPY OF THE COMPLAINT FILED BY THE CONTRACTOR OF THE PETITIONER
DATED 3/10/2015
- P4(A) COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P4
- P5 COPY OF THE RECEIPT DATED 4/10/2015
- P5(A) COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P5
- P6 COPY OF THE REPRESENTATION DATED 20/10/2015 BEFORE THE FIRST
RESPONDENT
- P6(A) COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P6.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.33567 of 2015

Dated this the 4th day of November 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking police protection. No notice is being issued to respondents 4 to 7 in view of the judgment being passed today.

2. The averments in the writ petition is that the petitioner is the Managing Partner of the firm M/s.Kamakshy Constructions. 4th respondent, being a partner of the firm, has raised certain issues with respect to the functioning of the firm and at the instance of the 4th respondent, respondents 5 to 7 are preventing the construction being carried out by the petitioner.

3. On a perusal of the averments in the writ petition and after hearing the learned counsel for the petitioner, it is apparent that there is some issues between the petitioner and the 4th respondent with reference to partnership rights. The contention of the petitioner is that, it is at the instance of the 4th respondent that respondents 5 to 7 are creating obstruction. The dispute

between the petitioner and the 4th respondent cannot be resolved by the police nor can the police interfere with the rights and obligations of the parties arising from the partnership. Under such circumstances, the remedy of the petitioner is to approach the Civil court and obtain appropriate orders including a direction to proceed with the construction work with necessary police protection. We do not think that this Court will be justified in interfering with the rights of the parties at this stage of the proceedings.

Accordingly, this writ petition is closed reserving the right of the petitioner to approach the Civil court for appropriate reliefs.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/04/11/2015

