

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 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 34673 of 2015 (H)

PETITIONER(S):

1. V.K.SAVITHRI,
'PRASANTH', VALIYAPARAMBU, KODAKKADU P.O.,
THRIKKARIPUR VIA, KASARAGOD DISTRICT-671 310.
2. K.T. SUDHAKARAN,
S/O P. APPU, KANAKKAL, KUTTAMATH,
CHERUVATHUR P.O., KASARAGOD -671 313.

**BY ADVS.SRI.M.SASINDRAN
SRI.V.VENUGOPAL**

RESPONDENT(S):

1. THE DISTRICT POLICE CHIEF,
KASARAGOD
2. THE CIRCLE INSPECTOR OF POLICE,
NEELESWARAM
3. THE SUB INSPECTOR OF POLICE,
CHEEMENI, KASARAGOD DISTRICT.
4. M. NARAYANAN,
S/O LATE APPU MASTER, VALIYAPARAMBA, KODAKKAD P.O.,
THRIKKARIPUR VIA, KASARAGOD -671 310.
5. C. RAMAKRISHNAN,
ANIKKADI, KODAKKAD P.O., THRIKKARIPUR VIA,
KASARAGOD - 671 310
6. C. SUDHEER, S/O.C.CHANDRAMATHY,
NEAR MARIYAMMAN KOVIL, VALIYAPARAMBA HOUSE, KODAKKAD P.O.,
THRIKKARIPUR VIA, KASARAGOD - 671 310.

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7. MADHUKUMAR K.,
S/O MARANKOVIL KANNAN, NEAR MARIYAMMAN KOVIL,
VALIYAPARAMBA HOUSE, KODAKKAD P.O., THRIKKARIPUR VIA,
KASARAGOD - 671 310.
8. KRIPEESH,
S/O/ OTHENAN KRISHNAN, VALIYAPARAMBA, KODAKKAD P.O.,
- 671 310, THRIKKARIPUR VIA, KASARAGOD DISTRICT.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: A TRUE COPY OF THE RELEVANT EXTRACTS TO THE SETTLEMENT DEED DT. 27/2/70 EXECUTED BY THE FATHER OF THE SAID KRISHNAN IN FAVOUR OF KRISHNAN, FOR AN EXTENT OF 5.16 ACRES.

EXT.P1(A): A TRUE ENGLISH TRANSLATION OF EXT. P1.

EXT.P2: A TRUE COPY OF THE RELEVANT EXTRACTS TO THE SALE DEED DT. 9/9/1970 BY WHICH THE ABOVE SAID KRISHNAN HAS PURCHASED 1 ACRES OF PROPERTY.

EXT.P2(A): TRUE ENGLISH TRANSLATION OF EXT. P2.

EXT.P3: A TRUE COPY OF THE WILL EXECUTED BY THE ABOVE NAMED KRISHNAN LATER KNOWN AS SREE BABA KRISHNAJI.

EXT.P4: A TRUE COPY OF THE RELEVANT EXTRACT OF THE SALE DEED DT. 16/1/71.

EXT.P4(A): A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P4.

EXT.P5: A TRUE COPY OF THE RELEVANT EXTRACTS TO THE REGISTERED DOCUMENT DT. 28/4/15 EXECUTED BY THE 1ST PETITIONER,

EXT.P5(A): TRUE ENGLISH TRANSLATION OF EXT. P5.

EXT.P6: A TRUE COPY OF THE TAX RECEIPT NO. 3742557 DT. 22/4/15 EVIDENCING PAYMENT OF THE TAX BY THE 1ST PETITIONER.

EXT.P6(A): A TRUE COPY OF THE TAX RECEIPT NO. 3742558 DT. 22/4/15 EVIDENCING PAYMENT OF THE TAX BY THE 1ST PETITIONER.

EXT.P6(B): A TRUE COPY OF THE TAX RECEIPT NO. 3742560 DT. 22/4/15 EVIDENCING PAYMENT OF THE TAX BY THE 1ST PETITIONER.

EXT.P6(C): TRUE ENGLISH TRANSLATION OF EXT.P6.

EXT.P6(D): TRUE ENGLISH TRANSLATION OF EXT.P6(A).

EXT.P6(E): TRUE ENGLISH TRANSLATION OF EXT.P6(B).

EXT.P7: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 1ST PETITIONER TO THE POLICE.

EXT.P7(A): TRUE COPY OF THE ACKNOWLEDGMENT EVIDENCING SUBMISSION OF EXT. P7.

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EXT.P7(B): TRUE ENGLISH TRANSLATION OF EXT.P7.

EXT.P7(C): TRUE ENGLISH TRANSLATION OF EXT.P6(A).

**EXT.P8: TRUE COPY OF THE COMPLAINT DT. 5/10/15 SUBMITTED BY THE
2ND PETITIONER TO THE 2ND RESPONDENT CIRCLE INSPECTOR.**

**EXT.P8(A): TRUE COPY OF THE ACKNOWLEDGMENT EVIDENCING RECEIPT OF THE
SAME BY THE POLICE.**

EXT.P8(B): TRUE ENGLISH TRANSLATION OF EXT.P8.

EXT.P8(C): TRUE ENGLISH TRANSLATION OF EXT.P8(A).

**EXT.P9: TRUE COPY OF THE COMPLAINT NO 90/ECO/DPHS/15 SUBMITTED ON
16/10/15 BEFORE THE CIRCLE INSPECTOR OF POLICE.**

EXT.P9(A): TRUE ENGLISH TRANSLATION OF EXT.P9.

EXT.P10: TRUE COPY OF THE FIR IN CRIME NO. 341/15.

EXT.P10(A): TRUE ENGLISH TRANSLATION OF MALAYALAM PORTION OF EXT.P10.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

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

W.P.(C) No. 34673 OF 2015

Dated this the 19th day of November, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioners and learned Government Pleader. No notice is being issued to respondent Nos. 4 to 8 in view of the order which is being passed.

2. By this writ petition the petitioners have come up seeking police protection from private respondents alleging that they are being threatened to transfer the property in favour of a Trust.

3. Learned Government Pleader after obtaining instructions submits that the property originally belonged to one 'Mouni Baba'. After his death, on the basis of the 'Will', the 1st petitioner has become the owner of the property, who transferred a certain item of property to the 2nd petitioner. It is submitted that the devotees do not want that property to be transferred and should remain in the name of Trust. It is

submitted that there is a dispute to the above effect. Learned Government Pleader however submits that police is keeping a vigil and shall take care of if any law and order situation arises.

Recording the above submission, we are of the view that no order is required to be passed in the matter. The Writ Petition is closed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**