

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 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 36608 of 2015 (A)

PETITIONER(S):

- 1. ANTONY GEORGE, S/O.K.B.GEORGE,
KATTUNKATHIYIL HOUSE, KAVALAMKODAM, VAYALAR EAST,
CHERTHALA, ALLAPPUZHA 688 524.**
- 2. K.EASWARAN,
S/O.KANDASWAMY GOUNDER,
1/118 PALRAJ COUNTER THOTTAM C, ARTHANARIPALAYAM,
R.PONNAPPURAM, POLLACHY, COIMBATORE,
TAMIL NADU 62 002.**

**BY ADVS.SRI.P.V.JAYACHANDRAN
SRI.S.SUDHEESHKAR
SRI.E.B.SHIVANANDAN
SRI.NIDHI BALACHANDRAN
DR.K.S.NIZAR**

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
MANNUTHY P.O, THRISSUR - 680 651.**
- 2. K.NANDAKUMAR, KAIPPALLY HOUSE,
AYYAPPANKAVU PO, KOZHUKKULLY 680 752.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE PARTNERSHIP DEED DATED 1.9.2015**
- P2- TRUE COPY OF THE LEASE AGREEMENT DATED 12.8.2015**
- P3- TRUE COPY OF THE LIST OF SCHEDULE OF THE MACHINERIES**
- P4- TRUE COPY OF THE COMMUNICATION DATED 7.10.2015 WITH ENGLISH TRANSLATION**
- P5- TRUE COPY OF THE LETTER DATED 19.10.2015 WITH ENGLISH TRANSLATION**
- P6- TRUE COPY OF THE REPLY NOTICE DATED 3.11.2015 WITH ENGLISH TRANSLATION**
- P7- TRUE COPY OF THE REQUEST DATED 04.11.2015 WITH ENGLISH TRANSLATION**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

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

W.P(C). No. 36608 of 2015

Dated this the 3rd day of December, 2015

JUDGMENT

Shaffique, J

Petitioner has approached this Court seeking police protection on the allegation that the second respondent is not permitting the petitioner to remove the machineries which had been brought to the property belonging to the second respondent. It is stated that the petitioner had entered into a lease agreement with the second respondent for installing the unit. However, the unit could not be started on account of the fact that the property is described as 'Nilam' and the petitioner was unable to get necessary permission from the competent authorities. When attempt was made to remove the machinery to another place, it was obstructed by the second respondent. Though the petitioner submitted complaint before the police seeking necessary protection for removing the machineries, police has not taken any action in the matter. Hence this writ petition is filed, seeking the aforesaid relief.

2. Learned Government Pleader on instructions would submit that police have made enquiry into the complaint and second respondent submitted that he is entitled for a lien over the machinery since certain amounts are due to him.

3. Such being the fact, we do not think that police can interfere in the matter. The remedy of the petitioner is to approach the civil court and seek appropriate relief in the matter.

With the above observation, this writ petition is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFIQUE,
JUDGE