



2025:KER:69929

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 23RD DAY OF SEPTEMBER 2025 / 1ST ASWINA, 1947

WP(C) NO. 32937 OF 2023

PETITIONER:

SREE GOKULAM CHIT AND FINANCE CO. (P) LTD
HAVING ITS CORPORATE OFFICE AT SREE GOKULAM TOWERS
NO.66, ARCOT ROAD, CHENNAI, TAMILNADU, PIN 600024,
THROUGH ITS CHAIRMAN GOPALAN, S/O A.M. CHATHU,
AGED 78 YEARS , KODAMPAKKAM, CHENNAI.

BY ADVS.
SHRI.K.B.PRADEEP
SHRI.HARISANKAR R
SMT.NAMITHA SHAJI

RESPONDENTS:

- 1 THE DISTRICT SUPERINTENDENT OF POLICE
PALAKKAD, PIN - 678010
- 2 THE CIRCLE INSPECTOR OF POLICE
VADAKKENCHERRY, PALAKKAD, PIN - 678510
- 3 THE SUB INSPECTOR OF POLICE
VADAKKANCHERRY, PALAKKAD, PIN - 678510
- 4 M.K. SURENDRAN
S/O KUNCHU, MADAMPIKKATTIL HOUSE, VALUPARAMBA,
MANJAPRA PO, ALATHUR TALUK,
PALAKKAD DISTRICT, PIN - 678685



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W.P.(C) Nos.32937/2023 & 24269/2024

: 2 :

- 5 MANOJ
 S/O MADHAVAN, ADIYATHU PADAM, AYAKKAD PO,
 VADAKKANCHERY, PALAKKAD, PIN - 678683
- 6 RATHEESH K.
 S/O KASHU, EMS NAGAR, MANANTH PARAMBA,
 KANNAMBRA PO, VADAKKANCHERY,
 PALAKKAD, PIN - 678686
- 7 BALASUBRAMANIAN
 S/O KUNCHU, MADATHIL PARAMBA HOUSE,
 KANNAMBRA PO, VADAKKANCHERY,
 PALAKKAD, PIN - 678686
- 8 PRABHAKARAN V
 S/O VEERAN, PORUVAYIL HOUSE, THACHANKUNNU,
 AYAKKAD PO, VADAKKANCHERY,
 PALAKKAD, PIN - 678683
- * ADDL.9 SHAJAHAN , AGED 41 YEARS,
 S/O V.S. SULAIMAN, SHA-MANZIL, AMMAKULAM,
 P.O WADAKKAENCHERY, KANNAMBRA VILLAGE,
 PALAKKAD DISTRICT, PIN-678683.
- * ADDL.10 DAVOOD.S., AGED 32 YEARS,
 S/O SHAHUL HAMEED, KARAYAKKAD HOUSE, P.O.
 WADAKKENCHERRY, KANNAMBRA VILLAGE,
 PALAKKAD DISTRICT, PIN -678683.
- * ADDL.11 MANOJ C., AGED 36 YEARS,
 S/O CHANDRAN, CHAPLITHARA HOUSE, PULIKOOTAM,
 P.O. MANJATHRA, PALAKKAD DISTRICT -678685.
- * ADDL.12 PRABHATH, AGED 33 YEARS,
 S/O K.M. MANI, KUNNUKKAD HOUSE, ARUMANGALAM,
 KANNAMBRA, PALAKKAD DISTRICT, PIN-678686
- (ADDITIONAL RESPONDENTS 9 TO 12 ARE IMPEADED
AS PER ORDER DATED 08.01.2024 IN I.A.
NO.2/2023 IN THE WP(C))
- * ADDL.13 RAJESH.K
 AGED 43, S/O KRISHNAN, THACHAMKUNNU HOUSE,
 AYAKKAD P.O, VADAKKENCHERY, PALAKKAD-678683.



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(ADDITIONAL 13TH RESPONDENT IS IMPEADED AS
PER ORDER DATED 24.01.2024IN IA.1/2024 IN THE
WP(C))

BY ADVS.

SHRI.G.KRISHNAKUMAR

SRI.SABU GEORGE

SHRI.P.B.KRISHNAN (SR.)

SRI.P.B.SUBRAMANYAN

SRI.MANU VYASAN PETER

SMT.AGNET JARARD

SMT. ANIMA M., GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 06.08.2025, ALONG WITH WP(C).24269/2024, THE
COURT ON 23.09.2025 DELIVERED THE FOLLOWING:



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W.P.(C) Nos.32937/2023 & 24269/2024

: 4 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 23RD DAY OF SEPTEMBER 2025/1ST ASWINA, 1947

WP(C) NO. 24269 OF 2024

PETITIONER:

K D LENIN
AGED 57 YEARS
S/O. K G DAMODHARAN,
PERALY KALAM HOUSE, MANNAPRA PO,
PALAKKAD DISTRICT, PIN - 678685

BY ADVS.
SHRI.G.KRISHNAKUMAR
SMT.AGNET JARARD

RESPONDENTS:

- 1 DEPUTY DIRECTOR OF EDUCATION
O/O. THE DEPUTY DIRECTOR OF EDUCATION,
CIVIL STATION, PALAKKAD, PIN - 678001
- 2 DISTRICT EDUCATION OFFICER
PALAKKAD, PIN - 678001
- 3 THE CIRCLE INSPECTOR OF POLICE
VADAKKANCHERRY, PALAKKAD, PIN - 678510
- 4 SREE GOKULAM CHIT AND FINANCE CO. (P) LTD
HAVING ITS CORPORATE OFFICE AT SREE GOKULAM
TOWERS NO.66, ARCOT ROAD, CHENNAI, TAMILNADU
PIN- 600024, REPRESENTED BY ITS CHAIRMAN



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: 5 :

GOPALAN, S/O. A.M. CHATHU, AGED 78,
KODAMPAKKAM, CHENNAI

- 5 V.M. MEERA BHAI
W/O K C BALAN, KARAYIL HOUSE,
PERINJANAM VILLAGE, , KODUNGALLUR
TALUK, PERINJANAM PO
THRISSUR DISTRICT, PIN - 680686
- 6 MURALI MOHAN
AGED 34 YEARS
S/O K C BALAN, AGED 34, KARAYIL HOUSE,
PERINJANAM PO, KODUNGALLUR TALUK ,
PERINJANAM VILLAGE,
PERINJANAM PO, PIN - 680686
- 7 MANIKANTAN
AGED 38 YEARS
/O K C BALAN, AGED 38, KARAYIL HOUSE,
PERINJANAM PO, PERINJANAM VILLAGE,
PERINJANAM PO, PIN - 680686
- 8 MANAGER
CA HIGHER SECONDARY SCHOOL, AYAKKAD P.O,
PALAKKAD DISTRICT, PIN - 678673
- 9 PRINCIPAL
CA HIGHER SECONDARY SCHOOL, AYAKKAD P.O,
PALAKKAD DISTRICT, PIN - 678673

*ADDL.10 A.V.JOSE
AGED 80 YEARS
S/O VARGHESE, RESIDING AT ALUKKA HOUSE,
MISSION QUARTERS, EAST FORT,
THRISSUR, PIN - 680001.

(ADDITIONAL 10TH RESPONDENT IS IMPEADED AS PER
ORDER DATED 11.04.2025 IN IA NO.1/2025)

BY ADVS.
SHRI.K.B.PRADEEP
SHRI.SANTHOSH P.PODUVAL
SRI.T.C.SURESH MENON
SMT.NAMITHA SHAJI



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: 6 :

SMT.R.RAJITHA
SMT.CHITHRA S.BABU
SRI.B.DEEPAK
SMT.ANNA ROSE
SRI. DHEERAJ A.S., GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 06.08.2025, ALONG WITH WP(C).32937/2023, THE
COURT ON 23.09.2025 DELIVERED THE FOLLOWING:



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W.P.(C) Nos.32937/2023 & 24269/2024

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CR

N. NAGARESH, J.

.....
W.P.(C) No.32937 of 2023
.....

Dated this the 23rd day of September, 2025

J U D G M E N T

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W.P.(C) No.32937/2023 has been filed by the petitioner-Company seeking to direct respondents 1 to 3 to grant necessary police protection for enjoyment and effectively using properties covered by Exts.P1 and P1(a) without any obstruction from respondents 5 to 8 and persons whom they represent.

2. W.P.(C) No.24269/2024 has been filed by the petitioner whose daughter is studying in CA Higher Secondary School, Ayakkad PO seeking to command respondents 1 to 3 to ensure that the School ground of



W.P.(C) Nos.32937/2023 & 24269/2024

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CAHSS comprised in Re-survey No.172/2, Block No.44 of Vadakkencherry-1 Village is used solely for the purpose of CA Higher Secondary School and as playground of the said School for the benefit of the students. Unless otherwise specified, the parties and exhibits in these writ petitions are referred to as they are described/marked in W.P.(C) No.32937/2023 for convenience.

3. The petitioner-Company in W.P.(C) No.32937/2023 states that they purchased 2.1583 Acres of land in RS No.172/2 of Ayakkad Amsom as per Ext.P1 assignment deed dated 15.01.2010. Ext.P1 property was purchased by late Balan from one Krishnamani and two others as per Ext.P2 assignment deed No.837/2006. The said property was set apart to them as D Schedule in Ext.P3 registered partition deed No.1962/2003. The petitioner therefore has absolute title over Exts.P1 and P1(a) properties which are lying as a single compact plot.

4. The petitioner-Company owns a Football Club by name "Gokulam Kerala Football Club". The



petitioner intends to use the land effectively as a regular practice ground for the Club teams. In 2018, when the petitioner took steps to measure the property with the help of revenue authorities, the 9th respondent and others obstructed measurement. The petitioner hence filed OS No.296/2018 in the Munsiff's Court, Alathur. The Suit was decreed *ex-parte* as per Ext.P9 judgment dated 30.03.2019.

5. Thereafter, when the petitioner undertook ground levelling works in the property, respondents 5 to 8 obstructed the work. The petitioner filed W.P.(C) No.17844/2019 seeking police protection. This Court did not grant police protection holding that the issue involves adjudication of a civil dispute. The 4th respondent, in the meanwhile, in his capacity as President of the PTA, filed OS No.352/2019 in the Munsiff's Court, Alathur. No evidence was adduced in the Suit and the Suit was dismissed for default as per Ext.P11 order dated 16.08.2023.

6. The petitioner states that certain persons are obstructing utilisation of the petitioner's property alleging



W.P.(C) Nos.32937/2023 & 24269/2024
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that the property was once used as playground of the nearby School. Nobody goes to court or contests cases to establish the said claim. Instead, they continued to cause physical obstruction. Though the petitioner filed complaint before the 3rd respondent-Sub Inspector, the police has not given effective police protection. Hence, the petitioner is before this Court.

7. In W.P.(C) No.24269/2024, the petitioner claims that his daughter is studying in CA Higher Secondary School. The School was established in 1941. The School has playground having 2 Acres and 15.83 Cents of land in Block No.44, Re-survey No.172/2/7 of Vadakkanchery Village. As per the records of the 2nd respondent-DEO, the said property is School ground of CA HSS. In fact, the said land is the only playground which is being used by the School students as playground.

8. The D Schedule of Ext.P3 partition deed 1962/2003 jointly devolved the property on one Krishnamani, Duraiswami and Narayanaswami. The said D Schedule is



the CA HSS building, School property and playground. The said School ground is part and parcel of the School. As per the records of the educational authorities, the said property is a School ground.

9. As per Ext.P2 sale deed No.837/2006, one Balan became the owner of the School and its properties. After the death of Balan, his legal heirs sold the School ground to the petitioner-Company as per sale deed No.161/2010. Later, ownership and management of the School was sold to Karunya Education Trust. The Karunya Education Trust sold the ownership and management of the School to Prachodan Development Services.

10. The petitioner in W.P.(C) No.24269/2024 states that as per Section 2(9) of the Kerala Education Act, the term "School" will include playground also. As per Rule 3 Chapter IV KER, every School shall have a suitable playground. As per the provisions of Chapter X KER, permission of educational authority has to be obtained to transfer any property of an Aided School. Section 6 of the



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Kerala Education Act also provides that properties of a School cannot be alienated without the permission of the educational authorities. In Ext.P2 written statement filed by the DEO in OS No.352/2019, the DEO has categorically stated that no permission is obtained from the DEO to transfer the School ground in favour of the petitioner-Company.

11. The transfer of the School ground, if any, is therefore illegal. The School as well as the educational authorities are bound to protect the School ground in larger public interest. The petitioner in W.P.(C) No.32937/2023 cannot be permitted to usurp the School ground illegally.

12. The 2nd respondent submitted that the previous owner of the property Sri. Balan pledged the property to the petitioner-Company for availing a chitty. After the demise of Balan, his legal heirs executed a registered deed conveying the property to the petitioner-Company in the year 2010. The petitioner-Company is possessing ownership of the land since 2010 and they are paying land tax also. The



local residents/parents stated that the School was opened in the year 1941 and since then, the disputed land was used as School ground. District School Sports Meets and State Level Sports Meet are conducted in this School ground. In the year 2010, the School was upgraded as Higher Secondary showing this ground as School ground. When the petitioner-Company attempted to destroy the ground, local citizens objected to the same. At present, there is no law and order situation.

13. The additional 13th respondent alleged that there is suppression of material facts in the writ petition and the petitioner is deliberately producing fabricated documents to mislead this Court. The property covered by the deed is the playground of the School. It is so described in Ext.P3 partition deed itself.

14. I have heard the learned counsel for the petitioners in both the writ petitions, the learned Government Pleader appearing for the official respondents and the respective learned counsel appearing for the contesting



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respondents.

15. In W.P.(C) No.32937/2023, the petitioner-Company is seeking police protection for enjoyment of their property. The petitioner in W.P.(C) No.24269/2024 argues that the said property is School ground of CA HSS Ayakkad and the said School ground should be kept apart for the benefit of the students of the School.

16. The disputed property is in RS No.172/2 of Ayakkad Amsom. The property was purchased by late Balan as per Ext.P2 registered assignment deed No.837/2006. Balan purchased the said property from Krishnamani and two others, who are children of late Padmanabha Sharma. In Ext.P3 prior deed / partition deed No.1962/2003 of SRO, Vadakkencherry, the property was set apart to them as D Schedule. The petitioner purchased the property as per Ext.P1 assignment deed No.161/2010 dated 15.01.2010.

17. Going by the registered conveyance deeds, it is the petitioner-Company which is the owner of the property, and now paying land tax. Neither the contesting



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respondents or School authorities possess any documents to claim that the property which is alleged to be a School ground belongs to the School. Even the School authorities would submit that they do not have any document in possession to show that the School is the owner of the disputed property.

18. The contention of the contesting respondents is that the land was an integral part of the School since 1941. In Ext.P3 prior title deed, the land in question is described as Ayakkad High School ground. The term "School" would include School playground also as per Section 2(9) of the Kerala Education Act and School properties cannot be alienated without the permission of educational authorities in view of Section 6 of the Kerala Education Act. As School ground is an integral part of the School, it cannot be alienated at all, contend the contesting respondents.

19. However, it is to be kept in mind that the petitioner-Company is holding title deeds in respect of the property which are not challenged from any quarters



successfully. Even the School authorities do not have a case that they hold title documents to establish that when the School was transferred to them, the School ground was also transferred.

20. It is to be further noted that the land which is stated to be playground is situated 500 metres away from the School. The fact that the said ground was earlier used for conducting District and State Level School Sports Meets cannot be taken as an indicator to hold that the playground belongs to CA HSS.

21. The statement filed by the 2nd respondent-Circle Inspector of Police would show that after the demise of Balan, his heirs have registered a document in the name of the petitioner-Company in the year 2010. Since 2010, the petitioner-Company is in possession and ownership of the land. The Company is paying tax for the land. OS No.296/2018 filed by the petitioner-Company in the Munsiff's Court, Alathur was disposed of in favour of the Company. OS No.352/2019 filed against the Company was also



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disposed of in favour of the Company.

22. In the afore circumstances, there is *prima facie* evidence that the petitioner-Company is the owners of the disputed land who are in possession. Therefore, if the petitioner-Company is maintaining the land or if they are levelling that land for any purpose, third parties cannot physically obstruct the same contending that it is a School ground. This would be especially so when the School authorities have no claim that they are in possession of any title documents to claim ownership of the said land.

23. The parties claiming right on the basis of documents are entitled to be in possession of the property and that possession cannot be disturbed by unlawful acts of persons who do not claim possessory right over the property. If lawful possession is disturbed by persons having no personal right to possession, police protection has to be granted.

In the facts of the case, W.P.(C) No.32937/2023 is allowed. Respondents 1 to 3 are directed



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to grant necessary police protection to the petitioner-
Company for enjoyment and effectively using properties
covered by Exts.P1 and P1(a) without any obstruction from
respondents 5 to 8 and persons whom they represent. W.P.
(C) No.24269/2024 is dismissed.

Sd/-
N. NAGARESH, JUDGE

aks/18.09.2025



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APPENDIX OF WP(C) 32937/2023

PETITIONER'S EXHIBITS

Exhibit P1	TRUE COPY OF THE REGISTERED ASSIGNMENT DEED NO.161/2010 DATED 15.01.2010
Exhibit P1(a)	TRUE COPY OF THE REGISTERED ASSIGNMENT DEED NO.162 OF 2010 DATED 15.01.2020
Exhibit P2	TRUE COPY OF THE DOCUMENT NO.837/2006 DATED 02.03.2006
Exhibit P2(a)	TRUE COPY OF THE DOCUMENT NO.839/2006 DATED 07.03.2006
Exhibit P3	TRUE COPY OF THE REGISTERED PARTITION DEED NO.1962/2003 DATED 09.06.2003, S.R.O., ALATHUR
Exhibit P4	TRUE COPY OF THE LAND TAX RECEIPT ISSUED BY VILLAGE OFFICER, VADAKKANCHERRY DATED 28.06.2023
Exhibit P5	TRUE COPY OF THE POSSESSION CERTIFICATE DATED 12.09.2023
Exhibit P6	TRUE COPY OF THANDAPER ACCOUNTS DATED 29.08.2018
Exhibit P7	TRUE COPY OF THANDAPER ACCOUNTS DATED 29.08.2018
Exhibit P8	TRUE COPY OF THE PLAINT IN O.S. NO.296/2018 DATED 12.09.2018, MUNSIF COURT, ALATHUR
Exhibit P9	TRUE COPY OF THE JUDGMENT IN O.S. 296/2018 ON THE FILE OF THE MUNSIF COURT, ALATHUR DATED 30.03.2019
Exhibit P10	TRUE COPY OF THE PLAINT DATED 30.09.2019 IN O.S. 352/2019 BEFORE THE COURT OF THE MUNSIF OF ALATHUR
Exhibit P11	TRUE COPY OF THE ORDER DATED 16.08.2023. IN O.S. NO.352/2019 ON THE FILE OF MUNSIF COURT, ALATHUR,
Exhibit P12	TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT ON 25.09.2023

RESPONDENT'S ANNEXURES

Annexure R2(a)	True copy of the statement of the Manager of Sree Gokulam Chits and
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	Finanace Pvt Ltd
Annexure R2 (b)	True copy of the statement of 4th respondent Sri M K Surendran
Annexure R2 (c)	True copy of the of the statement of Smt Elsa Jose Palatti
Exhibit-R13(a)	The certified copy of the Partition deed dated 09-06-2003 registered as Doc.No.1962/2023 in SRO Alathur

PETITIONER'S EXHIBITS

EXHIBIT P 13	True copy of the Digitally prepared plan showing the lie of my property comprised in R.Sy No.172/2 and the School property in Re Sy 134,135 and 139
EXHIBIT P14	True copy of the arial photograph showing the location of property and the school
EXHIBIT P15	The Photographs showing the new building block by the present school management.
EXHIBIT R16	The Photographs showing the new building block by the present school management.

RESPONDENT'S EXHIBITS

Exhibit R4 (a)	True copy of the Written Statement of the DEO filed in OS No.352/19 on the files of the Munsiff Court, Alathur dated 07.01.2020
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APPENDIX OF WP(C) 24269/2024

PETITIONER'S EXHIBITS

Exhibit P-1 TRUE COPY OF THE SALE DEED NO.161/2010
OF VADAKKENCHERRY SRO DATED 09.08.2023
Exhibit P-2 TRUE COPY OF THE WRITTEN STATEMENT
FILED BY THE DEO IN OS NO. 352/2019
DATED 07.01.2020

RESPONDENT'S EXHIBITS

EXHIBIT R4 A True copy of the partition deed dt.
9.6.2003 of SRO, Alathur
EXHIBIT R4 B True copy of the sale deed no.
839/2006 dt 7/3/2006
EXHIBIT R4 C True copy of the registered sale Deed
No.161/2010 dated 15.01.2010
EXHIBIT R4 D True copy of the registered Assignment
Deed No.162 of 2010 dated 15.01.2020
EXHIBIT R4 E True copy of the tax receipt
dt.28.6.2023
EXHIBIT R4 F A Digitally prepared plan showing the
lie of property comprised in R.Sy
No.172/2 and the School property in Re
Sy 134,135 and 139
EXHIBIT R4 G A arial photograph showing the
location of property and the school
compound
EXHIBIT R4 H A Photographs showing the School has
put up a new building in an open
ground in front of its basketball
ground
EXHIBIT R4 I A Photographs showing the portion of
the ground has been utilised for
putting up a new building block by the
present school management.
EXHIBIT R4 J True copy of the judgment in O S
No.352/2019 is already dismissed on
16.8.2023.
Exhibit -R8(a) A copy of Document No. 1784/23 of
Vadakkenchery SRO
Exhibit -R8(b) A copy of order dated 8/2/23 issued by
Additional Director, General Education



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- Exhibit -R8(c) A copy of letter dated 14/3/24 issued by The District Educational Officer, Palakkad to the Manager, CA Higher Secondary School, Ayakkad
- Exhibit -R8(d) A copy of representation dated 19/6/19 submitted by residents of Vadakkenchery before District Education Officer, Palakkad
- Exhibit -R8(e) A copy of certified copy of the document No. 1962/2003 of Vadakkenchery SRO

PETITIONER'S EXHIBITS

- Exhibit P-3 True copy of the front page of SSLC Book of the Petitioner
- Exhibit P-4 True copy of the certified copy of the Partition Deed No.899/94 of Vadakkancherry SRO