

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 23RD DAY OF JULY 2021 / 1ST SRAVANA, 1943

WP(C) NO. 2665 OF 2021

PETITIONER:

DEENA DEEPAK
AGED 33 YEARS
W/O. DEEPAK RAJAN, PRESIDENT, AIKKARANAD GRAMA
PANCHAYATH

BY ADVS.
BLAZE K.JOSE
SHRI.JUDY JOSE
SMT.URMILA ZACHARIA

RESPONDENTS:

- 1 THE SUPERINTENDENT OF POLICE
ERNAKULAM RURAL, ALUVA 683101
- 2 CIRCLE INSPECTOR OF POLICE,
PUTHENCROUZ, ERNAKULAM DISTRICT 682 308
- 3 SUB INSPECTOR OF POLICE,
PUTHENCROUZ POLICE STATION, ERNAKULAM DISTRICT 682 308
- 4 MANOJ
MANDHANATH, EZHIPRAM, KADAYIRUPPU, ERNAKULAM 682 311
- 5 BIJU
PANTHALAMAVUNGAL, THONNIKKA, KOLENCHEI, ERNAKULAM 682
311
- 6 MELJU
NATHURUTHEL, KADAMATAM, KOLENCHEI, ERNAKULAM 682 311
- 7 SANTHOSH,
PARAPPURATH, PANCODU, ERNAKULAM 682 310
- 8 AJESH,
POTHANAMPARAMBIL, PAZHATHOTTAM, ERNAKULAM 683565
- 9 KUNJUNI,

WP(C) Nos. 2665, 2655
& 2702 of 2021

2

CHIRAMBATT, KADAYIRUPPU, ERNAKULAM 62311

- 10 ANANDHUVIJAYAN,
MANTHANATH, EZHIPRAM, KADAYIRUPP, ERNAKULAM 682
311
- 11 ANEESH
AMBALATHOONGAL, KADAYIRUPPU, ERNAKULAM 682 311
- 12 BINU,
PAZHAMBILLIL, KADAMATTAM, KOLENCHERY, ERNAKULAM
682311
- 13 VINAYAN,
KALANJATTU, KADAYIRUPPU, ERNAKULAM 682 311
- 14 BESIL M PAUL,
PERINJOL, KOLENCHERI, ERNAKULAM 682 311
- 15 AJI, KUDUKKATTE,
KADAMATTAM, KOLENCHERI, ERNAKULAM 682 311

BY ADVS.
K.R.RANJITH, GOVERNMENT PLEADER
SMT.BINDU MOHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 23.07.2021, ALONG WITH WP(C).2655/2021,
2702/2021, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) Nos.2665,2655
& 2702 of 2021

3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 23RD DAY OF JULY 2021 / 1ST SRAVANA, 1943

WP(C) NO. 2655 OF 2021

PETITIONER:

NITHAMOL M.V.
AGED 37 YEARS
W/O.SANTHOSH KUMAR A.K., PRESIDENT,
KUNNATHUNADU GRAMA PANCHAYATH, ERNAKULAM 683
565

BY ADVS.
BLAZE K.JOSE
SHRI.JUDY JOSE
SMT.URMILA ZACHARIA

RESPONDENTS:

- 1 THE SUPERINTENDENT OF POLICE
ERNAKULAM RURAL, ALUVA P.O., ALUVA 683 101
- 2 CIRCLE INSPECTOR OF POLICE
KUNNATHUNADU P.O., ERNAKULAM DISTRICT 683 562
- 3 SUB INSPECTOR OF POLICE
KUNNATHUNADU POLICE STATION, ERNAKULAM DISTRICT
683 562
- 4 K.K.MEETHIYAN (MEMBER)
KOYAMPARAMBIL, PERINJOLA P.O., ERNAKULAM 683
565
- 5 T.A.EBRAHIM (MEMBER)
THANDAKKALA VEEDU, CHENGARA, PATTIMATTAM P.O.,
ERNAKULAM 683 562
- 6 NISSAR EBRAHIM (MEMBER)
KARAKUNNATH, PERINJAALA P.O., ERNAKULAM 683 563

- 7 JOSE GEORGE (MEMBER)
THARAYIL VEEDU, VEMBILI P.O., ERNAKULAM 683 565
- 8 P.K.ABHOOBAKKAR (MEMBER)
PUTHANVEETIL HOUSE, PERINJAALA P.O., ERNAKULAM
683 565
- 9 M.B.YUNAS (MEMBER)
MANDRIKKATTU VEEDU, PINARMUNDA, PERIJAALA P.O.,
ERNAKULAM 683 565
- 10 MAYA VIJAYAN (MEMBER)
PULLIKKAL VEEDU, PALLIKKARA, KUMARAPURAM,
ERNAKULAM 683 565
- 11 N.V. VASU
NELLIKKAPARAMBU, ERUMELLI, KUMARAPURAM P.O.,
ERNAKULAM 683 565
- 12 N.V.RAJAPPAN
NELLIKKAPARAMBU, ERUMELLI, KUMARAPURAM P.O.,
ERNAKULAM 683 565
- 13 K.K.MADHAVAN
S/O.AYYAPPAN, KALLIYATHU, MORAYAKKALA,
KUMARAPURAM P.O., ERNAKULAM 683 565
- 14 E.M.NAVAS
ERUPPAKKOTTILL, PERINJAALA P.O., ERNAKULAM 683
565
- 15 K.K.REMESHAN
MADASSERI, PERINJAALA P.O., ERNAKULAM 683 565
- 16 T.C.NASSAR
THAZHATHAAN VEEDU, PALLIKARA, KUMARAPURAM P.O.,
ERNAKULAM 683 565
- 17 V.M.MOHANAN
S/O.AYYAPPAN, VARIKKANATTKAAVU, KUMARAPURAM
P.O., ERIMELI, ERNAKULAM 683 565
- 18 K.A.VARGHEESE
S/O.EBRAHAM, KUTTICHIRA, KUMARAPURAM P.O.,
MORAYAKKALA, ERNAKULAM 683 565

WP(C) Nos. 2665, 2655
& 2702 of 2021

5

19 N.M.KARIM
NETTUKUDI, KUMARAPURAM P.O., PALLIKARA,
ERNAKULAM 683 565

BY ADVS.
SRI.K.V.SOHAN, STATE ATTORNEY
SRI.K.S.ARUN KUMAR
SRI.JUSTINE JACOB

SRI.K.R.RANJITH, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 23.07.2021, ALONG WITH WP(C).2665/2021 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) Nos. 2665, 2655
& 2702 of 2021

6

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 23RD DAY OF JULY 2021 / 1ST SRAVANA, 1943

WP(C) NO. 2702 OF 2021

PETITIONER:

BINCY BAIJU
AGED 35 YEARS
W/O.BAIJU M.M., PRESIDENT MAZHUVANNOOR GRAMA
PANCHAYATH.

BY ADVS.
BLAZE K.JOSE
SHRI.JUDY JOSE
SMT.URMILA ZACHARIA

RESPONDENTS:

- 1 THE SUPERINTENDENT OF POLICE
ERNAKULAM RURAL, ALUVA - 683 101.
- 2 CIRCLE INSPECTOR OF POLICE
KUNNATHUNADU, ERNAKULAM DISTRICT - 683 562.
- 3 SUB INSPECTOR OF POLICE
KUNNATHUNADU POLICE STATION, ERNAKULAM DISTRICT
- 683 562.
- 4 K.P.VINOD KUMAR
NIRAVATH (VINOD VIHAR), AIRAPPURAM, ERNAKULAM -
683 541.
- 5 JAYESH K.K.
KUZHIKKATTIL, THRIKKALLATHOOR, ERNAKULAM - 683

WP(C) Nos.2665,2655
& 2702 of 2021

7

541.

- 6 V.GOYIKUTTI
PERINJOTT (CHERAYIKKARAMATTATHIL), AIRAPURAM,
ERNAKULAM - 683 541.
- 7 ANILKUMAR P.G.
PONIIYIL HOUSE, AIRAPURAM, ERNAKULAM - 683 541.
- 8 GEORGE EDAPPARATHI
EDAPPARATHIKKUDI, NORTH MAZHUVANOOR, ERNAKULAM
- 686 669.
- 9 RAKESH V.R.
S/O.REGHU, VETTIKATTUPADINJARE VEEDU,
KILIKKULAMKARA, AIRAPURAM, ERNAKULAM - 683 541.
- 10 THAUFEEKH
S/O.MUHAMMED, MAMGALIPARA VEEDU,
PATHALLAPARAMBKARA, AIRAPURAM, ERNAKULAM - 683
541.
- 11 ASHRAF
S/O.ASAINAAR, CHITTETHUKUDI VEEDU,
CHEENIKKANAZHIKARA, MAZHUVANNOOR, ERNAKULAM -
686 669.
- 12 PAREETH
S/O.BHAVA, MAGHALAPPARA VEEDU, RUBBER PARK,
AIRAPURAM, ERNAKULAM - 683 541.
- 13 AJITHAN NAIR
S/O.KESHAVAB NAIR, VAZHAKKUZHKAL, NELLADU,
ERNAKULAM - 686 669.
- 14 M.P.VARGHESE
MARIYYAL HOUSE, NELLADU, ERNAKULAM - 686 669.
- 15 ANU E.VARGHESE
EDAPPAAYIL HOUSE, MAGHALATHUNADA, ERNAKULAM -
686 669.

BY ADVS.

SRI.K.V.SOHAN, STATE ATTORNEY

SRI.K.S.ARUN KUMAR

SRI.JUSTINE JACOB

WP(C)Nos.2665,2655
& 2702 of 2021

8

SRI.K.R.RANJITH, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 23.07.2021, ALONG WITH WP(C).2665/2021 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) Nos.2665,2655
& 2702 of 2021

9

P.V.KUNHIKRISHNAN, J

WP(C) Nos.2665, 2655 and 2702 of 2021

Dated this the 23rd day of July 2021

JUDGMENT

The petitioners in these writ petitions are the Presidents of Mazhuvannoor Grama Panchayath, Aikkaranad Grama Panchayath and Kunnathunadu Grama Panchayath. These writ petitions are filed with almost similar prayers. The prayer of W.P. (C)No.2702/2021 is extracted hereunder:

"i) Issue a Writ of Mandamus or any other appropriate writ, order or direction commanding the respondents 1 to 3 to afford adequate and sufficient police protection to the life of the petitioner and other members of the Panchayath Committee, Standing Committees, Planning Committee, Working group and Grama Sabhas in Mazhuvannoor Grama Panchayath.

ii) Issue a Writ of Mandamus or any other appropriate writ, order or direction commanding the respondents 1 to 3 to afford adequate and sufficient police protection to peacefully conduct of the Panchayath Committee,

Standing Committees, Planning Committee, Working group and Grama sabhas in Mazhuvannoor Grama Panchayath.

iii) Issue a Writ of Mandamus or any other appropriate writ, order or direction commanding the respondents 1 to 3 to afford adequate protection to the conduct the day to day affairs and other projects of Mazhuvannoor Grama Panchayath.

(iv) Issue any other appropriate writ, order or direction as this Honorable Court may deem fit on the facts and in the circumstances of the case and allow this petition with all costs."

2. According to the petitioners, these three Panchayath committees are now ruled by a new party by name 'Twenty Twenty'. The contesting respondents in these cases are the members of other political parties. The petitioners are not able to peacefully conduct the Panchayath committee meeting, Standing Committee meeting, Planning Committee meeting, Working group and Grama Sabhas because of the threat from the contesting respondents in these writ petitions. The learned counsel for the petitioners submitted that an interim order was passed by this Court for convening a meeting on a

particular date. The learned counsel submitted that, if there is any threat for convening the meetings of the Panchayath committee, Standing committee etc., the Police protection is necessary. Therefore the learned counsel submitted that these writ petitions may be allowed directing the Police authorities to grant sufficient Police protection for convening the meetings of the Panchayaths.

3. The learned counsel appearing for the contesting respondents vehemently opposed the same. The contesting respondents submitted that this Court may not pass an order for Police protection indefinitely, when there is no problem at all. The learned counsel submitted that a Panchayath committee has to function about five years. During the entire five years, the Police protection need not be there. The learned counsel submitted that there may be some peaceful protest against the functioning of the committee. For that purpose the contesting respondents will

not take law in their hands. The learned counsel submitted that there is no threat from the contesting respondents as alleged.

4. The learned Government Pleader submitted that as on today, there is no law and order problem. Whenever there is law and order problem, the petitioners are free to approach the Police and the Police will do the needful in accordance to law.

5. In such circumstances, according to me, these writ petitions can be disposed in the following manner:

(i) Whenever there is any apprehension of law and order issue, in connection with the meetings of the Panchayaths, the petitioners are free to approach the Station House Officer concerned and the Superintendent of Police, Ernakulam Rural with a representation definitely mentioning about the date of the meeting, place etc.

(ii) If such a representation is

received, the Station House Officer and the Superintendent of Police, Ernakulam Rural will do the needful to see that there is no law and order problem.

(iii) The contesting respondents are free to agitate their opposition against any policy decisions of the petitioners without creating any law and order problem and without obstructing the Panchayath committee meetings.

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

DM

WP(C) Nos. 2665, 2655
& 2702 of 2021

14

APPENDIX OF WP(C) 2655/2021

PETITIONER'S EXHIBITS

EXHIBIT P1	A TRUE COPY OF THE JUDGMENT IN WP(C) NO.3370 OF 2018 - U OF THIS HON'BLE COURT DATED 11.6.2018
EXHIBIT P2	A TRUE COPY OF THE JUDGMENT IN WP(C) NO.26407 OF 2020 OF THIS HON'BLE COURT DATED 7.12.2020
EXHIBIT P3	A TRUE COPY OF GOVERNMENT ORDER NO.... /2021 DATED ...01.2021/LSGD ISSUED BY THE GOVERNMENT
EXHIBIT P4	A TRUE COPY OF THE REPRESENTATION DATED 31.1.2021 FILED BY PETITIONER TO 3RD RESPONDENT.

WP(C) Nos. 2665, 2655
& 2702 of 2021

15

APPENDIX OF WP(C) 2702/2021

PETITIONER'S EXHIBITS:

EXHIBIT P1	A TRUE COPY OF THE JUDGMENT IN WP(C) NO.3370 OF 2018-U OF THIS HON'BLE COURT DATED 11/6/2018.
EXHIBIT P2	A TRUE COPY OF THE JUDGMENT IN W.P.(C) 26407 OF 2020 OF THIS HON'BLE COURT DATED 7/12/2020.
EXHIBIT P3	A TRUE COPY CIRCULAR NO. .../2021 DATED01/2021/LSGD ISSUED BY THE GOVERNMENT.
EXHIBIT P4	A TRUE COPY OF THE FIR IN CRIME NO.48 OF 2021 OF THE KUNNATHUNADU POLICE.
EXHIBIT P5	A TRUE COPY OF THE REPRESENTATION DATED 31/1/2021 FILED BY PETITIONER TO 3RD RESPONDENT.
EXHIBIT P6	A TRUE COPY OF THE G O NO 10/2017 LSGD TRIVANDRUM DATED 9.1.2017
EXHIBIT P7	A ORIGINAL OF THE VEDIO GRAPH OF INCIDENTS HAPPENED ON 3.2.2021 IS PRODUCED IN A CD
EXHIBIT P8	A TRUE COPY OF THE NEWS PAPER REPORT IN MALAYALA MANORMAM DAILY DATED 4.2.2021
EXHIBIT P9	A TRUE COPY OF THE NEWS PAPER REPORT IN IN MATHRUBHUMI DAILY DATED 4.2.2021
EXHIBIT P10	A TRUE COPY OF THE NEWS PAPER REPORT IN DEEPIKA DAILY DATED 4.2.2021

RESPONDENTS EXHIBITS:

WP (C) Nos. 2665, 2655
& 2702 of 2021

16

- | | |
|----------------|--|
| EXHIBIT R4 (A) | A TRUE COPY OF THE FIR NO.53/2021
OF KUNNATHUNADU POLICE STATION. |
| EXHIBIT R4 (B) | A TRUE COPY OF THE FIR NO.54/2021
OF KUNNATHUNADU POLICE STATION. |
| EXHIBIT R4 (C) | A TRUE COPY OF THE MINUTES OF THE
PANCHAYATH COMMITTEE DATED
15/01/2021. |
| EXHIBIT R4 (D) | A ORIGINAL VIDEOGRAPHY OF THE
ENTRY OF THE TWENTY TWENTY PARTY
PRESIDENT TO THE PANCHAYATH,
BRUTAL LATHI CHARGE BY THE
POLICE, ILLEGAL ASSEMBLY OF
TWENTY TWENTY PARTY MEMBERS. |
| EXHIBIT R4 (E) | A TRUE COPY OF THE FCOMPLAINT
DATED 04/02/2021. |

WP(C) Nos. 2665, 2655
& 2702 of 2021

17

APPENDIX OF WP(C) 2665/2021

PETITIONER'S EXHIBITS

EXHIBIT P1	A TRUE COPY OF THE JUDGMENT IN WP(C) NO 3370 OF 2018-U THI HON'BLE COURT DATED 11-06-2018
EXHIBIT P2	A TRUE COPY OF THE JUDGMENT IN W.P(C) NO. 26407 OF 2020 THIS HON'BLE COURT DATED 7-12-2020
EXHIBIT P3	A TRUE COPY CIRCULAR NO. .../2021 DATED 01-2021/LSGD ISSUED BY THE GOVERNMENT
EXHIBIT P4	A TRUE COPY OF THE REPRESENTATION DATED 31-1-2021 FILED BY PETITIONER TO 3RD RESPONDENT

//TRUE COPY//

PA TO JUDGE