

Neo Structo Constructions Pvt Ltd vs Director General of Police, Kerala

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SooperKanoon Citation : sooperkanoon.com/1475972

Court : Kerala

Decided On : Aug-05-2022

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/14873/2022

Appellant : Neo Structo Constructions Pvt Ltd

Respondent : Director General of Police, Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
FRIDAY, THE 5TH DAY OF AUGUST 2022 / 14TH SRAVANA, 1944
WP(C) NO. 14873 OF 2022 PETITIONER: NEO STRUCTO
CONSTRUCTIONS PVT LTD REGISTERED OFFICE AT REGUS
EARTH ARISE, UNIT NOS 1137 11TH FLOOR, SARKHEJ -
GANDHINAGAR HIGHWAY, MAKARBA AHMEDABAD, GUJARAT -
380015, HAVING PRESENT BRANCH OFFICE AT BPCL KOCHIN
REFINERY, MSBP CHALIKKARA, VARIKOLI ROAD, CHALIKKARA
REPRESENTED BY ITS ASSISTANT MANAGER (ADMIN), PIN - BY
ADVS. P.PARVATHY ELDHO.N.MONCY SHAHNOY SHAJI
RESPONDENTS:

1 DIRECTOR GENERAL OF POLICE, KERALA KERALA STATE POLICE HEADQUARTERS, VAZHUTHACAUD, TRIVANDRUM, PIN - 695010 2 DISTRICT POLICE CHIEF, ERNAKULAM OFFICE OF THE COMMISSIONER OF POLICE, ABDUL KALAM MARG, MARINE DRIVE, ERNAKULAM, PIN - 682011 3 STATION HOUSE OFFICER AMBALAMEDU POLICE STATION, JUNCTION, KARIMUGAL, KOCHI, PIN - 682303 4 ALIAS VARKEY ** (CORRECTED)** RESIDING AT 2ND FLOOR, DOOR NO - 49/177, SYAMA BUSINESS CENTRE, NH-47, BYPASS ROAD, VYTILA, KOCHI. **ADDRESS OF THE 4TH RESPONDENT CORRECTED AS ALIAS VARKEY, WARD/HOUSE NO.XV/31B, CHALIKARA, NEAR BPCL, MSBP GATE, VARIKOLI PUTHENCROUZ P.O., PUTTUMANOOR KARA, ERNAKULAM-682 308 AS PER ORDER DATED 06-05-2022 IN IA BY ADV LATHEESH SEBASTIAN

BY SRI.T.K.SHAJAHAN-SR.GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05.08.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 5th day of August, 2022 This writ petition is filed seeking directions to respondents 1 to 3 to grant adequate police protection to the life and property of the employees of the petitioner for smooth passage of goods vehicles from and to the work site of the company at the BPCL Refinery, Chalikkara, against the 4th respondent and his henchmen and to ensure that law and order is maintained in the work site.

2. It is submitted by the learned counsel for

the petitioner that the 4th respondent on an allegation that the petitioner company owes some money to him, has been restraining the vehicles at the work site of the company. It is submitted that the 4 th respondent has also filed a suit with an application for attachment, but no attachment has been ordered by the civil court.

3. A counter affidavit has also been placed on

record by the 4th respondent stating that the 4 th respondent was a sub contractor of the petitioner company and the petitioner company is not doing any activity at present and are removing the materials stored in the site without settling the amounts due to sub contractors like the 4 th respondent. It is further stated that the petitioner has approached this Hon'ble Court for denying payment and to go out of jurisdiction of this Hon'ble Court to prevent the 4 th respondent from realizing the dues with the help of police protection.

4. Having considered the contentions

advanced, I am of the opinion that since it is not disputed that the articles in question are the property of the petitioner, the 4th respondent cannot obstruct the removal of the articles from the work site of the company without obtaining proper orders from any appropriate court or authority. In the absence of any such authorization, the 4th respondent would not be justified in obstructing the removal of the properties of the petitioner in the work site of the petitioner company. I am of the opinion that the prayers as sought for are, therefore, liable to be granted. There will, accordingly, be a direction to the Station House Officer to afford adequate protection to ensure smooth passage of goods vehicles to and from the work site of the company at the BPCL Refinery, Chalikkara against any illegal obstruction by the 4 th respondent. In case of any illegal obstruction, the petitioner, may inform the Station House Officer, who shall afford adequate protection for the same. All other matters are left open to be decided in the civil suit pending between the parties. The writ petition is ordered accordingly. Sd/- ANU SIVARAMAN JUDGE SSK/05/08 PETITIONER'S EXHIBITS: TRUE COPY OF THE REPRESENTATION DATED Exhibit P1 20.04.2022 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT. RESPONDENT EXHIBITS TRUE COPY OF THE EMAIL ISSUED BY THE OFFICIALS Exhibit R4(A) OF THE PETITIONER DATED 31/03/2022 TRUE COPY OF THE PLAINT IN UN-NUMBERED OS. NO. Exhibit R4(B)/2022 FILED BEFORE THE VACATION COURT, ERNAKULAM TRUE COPY OF THE PETITION IN I.A. 3/2022 IN Exhibit R4(C) EXHIBIT-R4(B) SUIT SSK //TRUE COPY// PA TO JUDGE

