

(2010) 09 KL CK 0224

In the High Court Of Kerala

Case No : Writ Petition (C) No. 12883 of 2010 (I)

Dr. Shaheda Shajahan and Dr. M.R. Krishna Swami Pillai

APPELLANT

Vs

Usman and Others

RESPONDENT

Date of Decision : 03-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0224

Hon'ble Judges : Thottathil B. Radhakrishnan, J;P. Bhavadasan, J

Bench : Division Bench

Advocate : M.K. Noushad, for the Appellant; K.M. Sathyanatha Menon, for the Respondent

Final Decision : Allowed

Judgement

1. The first petitioner claims to have a Post Graduate Degree, on the basis of which, she is stated to be conducting a hospital in Alternative Medicines. She has the second petitioner, stated to a retired doctor from the Tamilnadu service. He is stated to be an Ayurvedic doctor. The petitioners stated that they have a 10 bed hospital, however, allege that the private respondents are creating law and order situation on the false allegation that the petitioners are not duly competent and that the hospital is unauthorised. As of now, there is nothing to show that there is any interdiction by the competent statutory authorities against the petitioners running the establishment. It is also the petitioners case, which they have shown with materials, that they have due licence from the local municipal authority. Under such circumstance, we find that the private respondents have no shred of right, in any manner, to obstruct the activities of the petitioners or endanger the life and property of the petitioners. Hence, we allow this writ petition directing that the official respondents will ensure that the petitioners are provided adequate protection for their life and property, including the Indo-Arab Ayurvedic Hospital, building No. XVIII/87 situated at Thynoth Nagar, Aluva. This judgment does not preclude any statutory authority from taking any action in accordance with law, if they are so advised, however, without treating this judgment as a

pointer to ensure any such action.