

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Con.Case(C).No. 281 of 2015 IN WP(C).32227/2013

AGAINST THE ORDER/JUDGMENT IN WP(C) 32227/2013 DATED

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PETITIONER :

A.G. THOMAS, AGED 72 YEARS,
S/O. GEORGE, AYANIKKADU HOUSE,
PIDAVOOR, PATHANAPURAM,
KOLLAM DISTRICT.

BY ADV. SRI.S.NIDHEESH

RESPONDENTS :

SUNIL KRISHNA, AGE NOT KNOWN TO THE PETITIONER,
S/O. NOT KNOWN TO THE PETITIONER,
SUB INSPECTOR OF POLICE, PATHANAPURAM,
KOLLAM DISTRICT - 689 695.

R BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

Contempt Case (Civil) No. 281 OF 2015

Dated this the 25th day of February, 2015

JUDGMENT

Shaffique, J.

This contempt petition has been filed alleging non-compliance of the directions given by this Court as per judgment dated 06.02.2014 in W.P.(C) No.32227 of 2013. The writ petition was filed seeking police protection and this Court passed the following direction in paragraph 6 of the judgment dated 06.02.2014:

"6. Having regard to the aforesaid circumstances, we are of the view that this writ petition is to be allowed as under:

The respondent police shall provide adequate police protection to the petitioner against party respondents 4 to 9, if party respondents try to interfere with the right and interest of the petitioner in his property or if the respondent indulges in any criminal act or if the petitioner apprehends any criminal acts on the part of respondents 4 to 9. This is without prejudice to the right of the party respondents to seek assignment of land which will be considered untrammelled by the observations in this judgment."

2. Petitioner complains that after survey of property of the petitioner, when he attempted to build a

compound wall it was obstructed by party respondents, though complaint has been filed, petitioner was not granted protection. In the judgment against which contempt has been initiated, the cause of action was different. When there was an attempt on the part of private respondents to trespass into the property of the petitioner and flags were erected, the petitioner approached this Court and it is for that purpose protection has been granted to the petitioner as per judgment dated 06.02.2014. Now obstruction is created against the construction of a compound wall which is a different cause of action and it cannot form the basis of contempt case. Accordingly, the Contempt Case is closed.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**

Contempt Case (Civil) No. 281 of 2015

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