

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

RP.No. 137 of 2014 () IN WP(C).31390/2013

AGAINST THE ORDER/JUDGMENT IN WP(C) 31390/2013 of HIGH COURT OF
KERALA DATED 03-01-2014

REVIEW PETITIONER(S)/PETITIONERS:

1. V.N.RAMESAN
S/O.NARAYANAN, VIRUTHIYIL HOUSE, ELANTHIKKARA
PUTHENVELIKKARA POST, ERNAKULAM.
2. T.K.PRATHAPAN
S/O.KRISHNAPILLAI, THANDASSERIL HOUSE
VALIYAPALLAMTHURUTHU, CHENDAMANGALAM POST, ERNAKULAM.
3. M.M.PARAMESWARAN
S/O.MADHAVAN, MAMPILLIL HOUSE, KIZHAKKEPRAM
MANNAM POST, ERNAKULAM.

BY ADVS.SRI.DENIZEN KOMATH
SRI.ANNIES MATHAI
SRI.P.J.YESUDAS

RESPONDENT(S)/RESPONDENTS:

1. DIRECTOR GENERAL OF POLICE/STATE POLICE CHIEF
KERALA POLICE, THIRUVANANTHAPURAM-695 001.
2. RURAL SUPERINTENDENT OF POLICE
ALUVA RURAL, ALUVA-683 101.
3. THE CIRCLE INSPECTOR OF POLICE
NORTH PARUR CIRCLE OFFICE, NORTH PARUR
ERNAKULAM-683 513.

4. SUB INSPECTOR OF POLICE
NORTH PARUR CIRCLE OFFICE, NORTH PARUR
ERNAKULAM-683 513.

5. SAILAS @ UNNI
S/O.SANKARANKUTTY, NIKATHIL HOUSE
CHERIYAPALLAM THURUTHU, NORTH PARUR POST
ERNAKULAM-683 513.

6. SUNIL
S/O.SENAN, VELLUCHAALIL HOUSE, CHERIYAPALLAM THURUTHU
NORTH PARUR POST, ERNAKULAM-683 513.

7. UDAYAN @ UTHAMAN
S/O.KARUNAKARAN, THAIVELIKKAKATH HOUSE
CHERIYAPALLAM THURUTHU, NORTH PARUR POST
ERNAKULAM-683 513.

8. ANILKUMAR C.K
S/O.KRISHNAPPAN, CHALIL HOUSE, CHERIYAPALLAM THURUTHU
NORTH PARUR POST, ERNAKULAM-683 513.

9. SHINMON C.M
S/O.MOHANAN, CHERIYAPARAMBIL HOUSE
CHERIYAPALLAM THURUTHU, NORTH PARUR POST
ERNAKULAM-683 513.

R-R5-R7 BY ADV. SRI.A.BALAGOPALAN
R5-R7 BY ADV. SRI.A.RAJAGOPALAN
R5-R7 BY ADV. SRI.M.S.IMTHIAZ AHAMMED
R BY GOVERNMENT PLEADER

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
02-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.K.ABDUL REHIM & K.RAMAKRISHNAN, JJ.

RP .No. 137 of 2014

Dated this the 2nd day of July, 2015

JUDGMENT

K.Ramakrishnan,J.

This review petition is filed by the petitioners seeking review of the judgment dated 3.1.2014. It is alleged in the petition that there is no dispute regarding the right of the management of the properties. It was on the basis of misconception this court has dismissed the writ petition.

2. Heard counsel for the petitioners and the respondents.

3. Even as per the allegation in paragraphs 9 and 10 of the original writ petition, it was mentioned that a suit OS.No.794/2013 was filed before the Munsiff's Court, Parur in respect of this property and an injunction has been obtained against the party respondents herein and it was during the pendency of the injunction order, they wanted to measure the property and that was obstructed by the party respondents. Hence they have filed writ petition seeking police aid for that

purpose. There was no allegation of any threat to life has been made even in the original petition. So in the circumstances, this court by the impugned judgment dismissed the writ petition stating that the remedy of the petitioners is to approach the civil court to enforce their civil right and not to approach this court under Article 226 of the Constitution of India. So there is no error apparent on the face of the record warranting interference of the judgment passed by this court as the remedy of the petitioners is to move the civil court for enforcement of the decree by filing execution petition and not approaching this court seeking police aid. There is no merit in the review petition. The review petition is dismissed.

C.K.ABDUL REHIM, JUDGE

K.RAMAKRISHNAN, JUDGE

Pmn/

