

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

RP.No. 339 of 2014 () IN WP(C).23060/2013

REVIEW PETITIONER:

**V.V.PAULOSE,
AGED 69 YEARS, S/O.LATE VARKEY,
VETTIKATTIL HOUSE, ARAKKUNNAM
MULANTHURUTHY VILLAGE.**

**BY ADVS.SRI.R.LAKSHMI NARAYAN
SMT.R.RANJINI**

RESPONDENTS:

- 1. V.V.SUNNY,
S/O.LATE VARKEY, HOUSE NO.61/179, VETTUKKATTIL HOUSE
ARAKKUNNAM, MULANTHURUTHY VILLAGE
KANAYANNUR TALUK-682314.**
- 2. THE SUPERINTENDENT OF POLICE (RURAL),
ALUVA, ERNAKULAM-683101.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
PIRAVOM, ERNAKULAM DISTRICT-686664.**
- 4. THE SUB INSPECTOR OF POLICE,
MULANTHURUTHY POLICE STATION,
ERNAKULAM-682314.**

**R1 BY ADV. SRI.B.KRISHNA MANI
R2 TO R4 BY ADV. SRI. ABHIJETT LESSLE, GOVT. PLEADER**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 03-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS

- ANNEXURE-A1- TRUE COPY OF THE INTIMATION DATED 28-12-2013 SERVED BY THE 4TH RESPONDENT HEREIN TO THE PETITIONER.
- ANNEXURE-A2- TRUE COPY OF THE JUDGMENT DATED 06-09-2012 IN AS No.250/2010 ON THE FILED OF SUB COURT ERNAKULAM.
- ANNEXURE-A3- TRUE COPY OF THE COUNER AFFIDAVIT FILED IN IA No.2755/2013 IN THE ABOVE RSA No.1371/2013.

RESPONDENTS' EXHIBITS

- EXT- R4 (a)- TRUE COPY OF THE COMPLAINT SUBMITTED ON 26-07-2011.
- EXT- R4 (b)- TRUE COPY OF THE ACKNOWLEDGMENT CARD DATED 26-07-2011.
- EXT- R4 (c)- TRUE COPY OF THE COMPLAINT.
- EXT- R4 (d)- TRUE COPY OF THE ACKNOWLEDGMENT CARD.

True copy

P.A. To Judge

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**C.K. ABDUL REHIM, J.
&
K. RAMAKRISHNAN, J.**

R.P No. 339 OF 2014
IN
W.P (c) No. 23060 OF 2013

DATED THIS THE 3rd DAY OF JULY, 2015

O R D E R

C.K. Abdul Rehim, J:

The review petitioner is the 4th respondent in the writ petition. The 1st respondent is the petitioner who filed the writ petition, seeking for a direction to the respondents 2 to 4 to grant adequate police protection to him and his family members. At the time of disposal of the writ petition, this court observed that, the review petitioner/4th respondent had failed to enter appearance. On that basis while disposing the writ petition, an interim order issued earlier on 12-09-2013 was confirmed, which is having effect of directing the respondents 2 and 4 to grant adequate personal police protection to the writ petitioner/1st respondent and his family members.

2. The review petition is filed on the premise that the absence of the review petitioner in appearance before this court was not due to any willful negligence or laches, but was only due to a mistake committed by his lawyer, who was entrusted with the matter. It is further averred that, the writ petition was

filed by the 1st respondent only with an intention to strengthen the civil cases and criminal proceedings initiated and pending between the parties. The review petitioner is making an endeavour to bring to the notice of this court regarding details of the civil disputes pending between him and the 1st respondent, touching on the disputes relating to a pathway.

3. Heard; Counsel appearing for the review petitioner, counsel appearing for the 1st respondent and learned Government Pleader. We take note of the fact that, despite non-appearance of the review petitioner, the relief granted by this court was limited to granting of police protection only with respect to the person of the writ petitioner and his family members. In fact, even the relief sought for in the writ petition was limited to that extent alone. Therefore the apprehension raised by the review petitioner that the judgment sought to be reviewed will be mis-utilized for the purpose of strengthening the civil cases, is totally without any basis.

4. However, we clarify that the respondents 2 to 4 shall not make any interference on the subject matter of the civil dispute, under the guise of the police protection. At the same time if there is any threat on the person of the 1st respondent or his family members the authorities shall take appropriate action.

If any criminal activity is committed by any of the parties, the authorities will be at liberty to take appropriate steps in accordance with law. The review petitioner had stoutly denied all the allegations in the writ petition and submitted that he has no intention to cause any threat or intimidation to the life and person of the 1st respondent or his family members. Hence respondents 2 to 4 should act on the basis of the judgment only in a diligent manner.

5. The review petition is disposed of subject to the above observations.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge