

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 277 of 2015 (H)

PETITIONER :

PARAYIL BALAN NAIR,
THROUGH HIS POWER OF ATTORNEY HOLDER
AND SON SUBASH RAJANI BALAN
S/O.PARAYIL BALAN NAIR, 'RAMAKRIPA', CHIRAKKAL AMSOM
ALAVIL DESOM, KANNUR DISTRICT.

BY ADVS.SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.
SRI.ROVIN RODRIGUES

RESPONDENTS :

1. UDAYAN, S/O.PRADEEP KUMAR, MADATHANKANDI POOVADAN HOUSE
NEAR THEEPPETTI COMPANY BUS STOP, AZHIKODE P.O.
KANNUR DISTRICT, PIN - 670 009.
2. SHYAMALA, W/O.PRADEEP KUMAR,
MADATHANKANDI POOVADAN HOUSE,
NEAR THEEPPETTI COMPANY STOP, AZHIKODE P.O.
KANNUR DISTRICT, PIN - 670 009.
3. THE SUB INSPECTOR OF POLICE
VALAPPATTANAM, KANNUR DISTRICT, PIN - 670 010.
4. THE DISTRICT POLICE CHIEF
KANNUR, PIN - 670 001.

R3 & R4 BY SR. GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1: TRUE COPY OF THE PHOTOGRAPH SHOWING RESPONDENT NO.1
SITTING IN FRONT OF THE HOUSE OF THE PETITIONER IN SUCH
A WAY BLOCING THE GATE.

EXT.P2: TRUE COPY OF THE PHOTOGRAPH SHOWING RESPONDENT NO. 1
SITTING IN FRONT OF THE HOUSE OF THE PETITIONER IN SUCH
A WAY BLOCKING THE GATE.

EXT.P3: TRUE COPY OF THE PHOTOGRAPH SHOWING RESPONDENT NO. 1
SITTING IN FRONT OF THE HOUSE OF THE PETITIONER IN SUCH
A WAY BLOCING THE GATE.

EXT.P4: TRUE COPY OF THE PLAINT IN O.S. 351/2014 DATED 19/07/2014.

EXT.P5: TRUE COPY OF THE INJUNCTION PETITION, I.A. 2761/2014 ALONG
WITH THE ORDER THEREON, DATED 29/07/2014.

EXT.P5(A): TRUE COPY OF THE TYPE WRITTEN ORDER PASSED BY THE MUNSIFF
ON EXT.P5 DATED 29/07/2014.

EXT.P6: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE
RESPONDENT NO. 5, DATED 02/12/2014 AND TRUE ENGLISH
TRANSLATION OF Exhibit .P6.

EXT.P7: TRUE COPY OF THE COMPLAINT SUBMITTED BY PREMARAJAN, ON
BEHALF OF THE PETITIONER, DATED 22/12/2014 AND TRUE ENGLISH
TRANSLATION OF Exhibit .P7.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No. 277 of 2015

Dated this the 6th January, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 1 and 2 in view of the order, which is being passed.

2. The petitioner by this Writ Petition has prayed for a mandamus directing respondents 3 and 4 to initiate criminal action against respondents 1 and 2 and prevent them from their illegal act of sitting in front of the house of the petitioner. The petitioner's case is that the petitioner is the owner of the property and civil litigation is pending between the parties. He submits that there is civil dispute with regard to different properties pending between the parties. Respondents 1 and 2 have started sitting in front of petitioner's residential house without any basis, which was complained to the Police authorities. He submits that once the Police removed respondents 1 and 2, but they again sat in front of the gate of the petitioner's house. He submits that he has filed Exhibit P6 complaint dated 2.12.2014 before the fourth respondent.

3. The learned Government Pleader, after obtaining instruction, submits that acting on the complaint of the petitioner, the Police removed respondents 1 and 2 from the gate of the petitioner's house and they are now sitting more than 70 metres away from the gate of the petitioner's house. He further submits that the Police shall take appropriate action, if there is any obstruction in front of the gate of the petitioner's house.

4. In so far as the petitioner's prayer to take any criminal action against respondents 1 and 2, it is for the petitioner to file appropriate petition before the Police authorities.

With the above observation, the Writ Petition is closed.

**ASHOK BHUSHAN
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs6/1/15