

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

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 298 of 2015 (J)

PETITIONER :

E.JOHN THOMAS, AGED 62 YEARS
S/O.JOHN, EDACHERIL HOUSE, 4TH LANE
CHERUPUSHPAM ROAD, KADAVANTHRA, KOCHI - 20.

BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH

RESPONDENTS/RESPONDENTS :

1. THE SUB INSPECTOR OF POLICE,
SHANTHANPARA POLICE STATION, MUNNAR - 685 612.
2. THE CIRCLE INSPECTOR OF POLICE, DEVIKULAM - 685 613.
3. DEPUTY SUPERINTENDENT OF POLICE, MUNNAR - 685 612.
4. GURUSWAMY, AGED 43 YEARS
S/O.LATE PERUMAAL, POWER HOUSE KARA, CHINNAKANNAL P.O.
MUNNAR - 685 618.

R1 TO R3 BY STATE ATTORNEY, SRI.P. VIJAYARAGHAVAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 298 of 2015 (J)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1. THE COPY OF THE JUDGMENT IN OS NO.113/2006 OF MUNSIFF'S COURT, DEVIKULAM DATED 31.10.2007.

EXHIBIT P2. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 20.12.2014.

EXHIBIT P3. THE COPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT DATED 20.12.2014.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 298 OF 2015

Dated this the 14th day of January, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection to his life and property. He claims to be the owner and in possession of 1.32 Acres of land in Re-Sy. No.12/5 and 12/6 in Block No.6 of Chinnakanal Village, Devikulam Taluk. He has filed a suit OS No.113/2006 before the Munsiff's Court, Devikulam, challenging certain sale deeds by the legal heirs of the original owner of the property. The documents were executed after assigning the property in favour of the petitioner. A decree has been passed in the said suit on 31.10.2007 and same has become final.

2. The 4th respondent herein is the third defendant in the suit. According to the petitioner, 4th respondent has threatened the petitioner and his workers with dire consequences, if they enter into the property. Ext.P2 complaint was filed before the 1st respondent by the petitioner, but no action has been taken in the matter.

3. Learned State Attorney on instructions would submit that on receipt of Ext.P2, the 4th respondent was summoned to the police station and was asked not to interfere with the possession of the petitioner in the property. Further, State Attorney submits that there was no evidence of the alleged criminal action as stated in Ext.P2.

4. Though notice was issued to the 4th respondent and service is complete, there is no appearance on his behalf.

5. Having regard to the aforesaid factual situation, it is clear that the petitioner is armed with a decree. An injunction order has been granted against the defendants 1 to 8 restraining them from trespassing into the plaint schedule property, committing any mischief therein, executing or creating further documents in respect thereof in favour of third parties or in any way interfering with the plaintiff's title, peaceful possession and enjoyment thereof.

6. As matters stand now, the decree has become final and therefore, if at all there is any threat by 4th respondent or his

men, on the complaint of the petitioner, Police is bound to take appropriate action.

In the result this Writ Petition is disposed of directing respondents 1 and 2 to take appropriate action to ensure that law and order is maintained in respect of the injunction order and possession of petitioner's property covered by Ext.P1 judgment.

**Ashok Bhushan,
Acting Chief Justice.**

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