

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**

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 674 of 2015 (H)

PETITIONER(S):

- 1. LILLYKUTTY AGED 73 YEARS
W/O JOSEPH, RESIDING AT VAMATTATHIL HOUSE,
NELLIMATTOM KARA, KUTTAMANGALAM VILLAGE,
KOTHAMANGALAM TALUK.**
- 2. BESSY BABU AGED 46 YEARS
D/O JOSEPH,
RESIDING AT VALIYAVEETIL HOUSE,
MANJALLOOR KARA, MANJALLOOR VILLAGE,
MULLAPUZHACHAL P.O, MUVATTUPUZHA TALUK**
- 3. BABU.V.K.,S/O KURIAKOSE,
VALIYAVEETIL HOUSE, RESIDING AT VAMATTATHIL HOUSE,
MANJALLOOR KARA, MANJALLOOR VILLAGE,
MULLAPUZHACHAL P.O, MUVATTUPUZHA TALUK**

BY ADV. SMT.CHINCY GOPAKUMAR

RESPONDENT(S):

- 1. THOMAS, S/O OUSEPH ALIAS JOSEPH,
AYYAMKOLIL HOUSE, ENANALLOOR KARA,
ENANALLOOR VILLAGE, MUVATTUPUZHA TALUK-686673.**
- 2. JOSE, S/O THOMAS,
AYYAMKOLIL HOUSE, ENANALLOOR KARA,
ENANALLOOR VILLAGE, MUVATTUPUZHA TALUK-686673.**
- 3. PAUL, S/O THOMAS,
AYYAMKOLIL HOUSE, ENANALLOOR KARA,
ENANALLOOR VILLAGE, MUVATTUPUZHA TALUK-686673.**
- 4. SUB INSPECTOR OF POLICE, KALLOORKADU,
KALLOORKADU POLICE STATION, KOTTAYAM-686668**
- 5. SUPERINTENDENT OF POLICE, RURAL DISTRICT POLICE OFFICE,
ERNAKULAM RURAL-682031.**

BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1 - TRUE COPY OF THE PLAINT IN O.S.NO.570/2013 ON THE FILES OF THE MUNSIFF'S COURT, MUVATTUPUZHA.

EXHIBIT P2 - TRUE COPY OF I.A.NO.3084/2013 IN O.S.NO.570/2013 ON THE FILES OF THE MUNSIFF'S COURT, MUVATTUPUZHA.

EXHIBIT P3 - TRUE COPY OF THE ORDER DT. 25.07.2014 IN O.P.(C) NO.1696/14.

EXHIBIT P4 - TRUE COPY OF THE COMMON ORDER DT.30.08.2014 IN I.A.NOS.3084/13 IN O.S.570/13, I.A.329/14 IN O.S.61/14 & I.A.856/14 IN O.S.185/14 OF MUNSIFF'S COURT, MUVATTUPUZHA.

EXHIBIT P5 – TRUE COPY OF THE I.A.NO.2976/14 IN O.S.NO.570/13 OF MUNSIFF'S COURT, MUVATTUPUZHA.

EXHIBIT P6 – TRUE COPY OF THE I.A.NO.2979/14 IN O.S.NO.570/13 OF MUNSIFF'S COURT, MUVATTUPUZHA.

EXHIBIT P7 – TRUE COPY OF THE I.A.NO.2977/14 IN O.S.NO.570/13 OF MUNSIFF'S COURT, MUVATTUPUZHA

EXHIBIT P8 – TRUE COPY OF THE COMPLAINT DATED 12.09.2014 BEFORE THE 4TH RESPONDENT.

EXHIBIT P8(A) – TRUE ENGLISH TRANSLATION OF EXT.P8.

EXHIBIT P9 – TRUE COPY OF THE COMPLAINT DATED 24.12.2014 BEFORE THE 5TH RESPONDENT

EXHIBIT P9(A) – TRUE ENGLISH TRANSLATION OF EXT.P9.

EXHIBIT P10 – TRUE COPY OF ACKNOWLEDGEMENT FOR THE RECEIPT OF EXT. P9 ISSUED FROM THE OFFICE OF THE 5TH RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

// TRUE COPY

PA. TO JUDGE

ASHOK BHUSHAN, Ag.CJ

& A.M.SHAFFIQUE, J.

*** * * * ***

W.P.C.No.674 of 2015

Dated this the 8th day of January 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard learned counsel for the petitioners and the learned Government Pleader. No notice is being issued to respondents 1 to 3 in view of the judgment being passed today.

2. By this writ petition, the petitioners have prayed for a mandamus directing respondents 4 and 5 to give adequate protection for implementing the orders in Ext.P3. The learned counsel for the petitioners submits that what the petitioners meant in the writ petition was to implement Ext.P4 order, that is an order passed by the Munsiff in O.S.Nos.61/2014 and 185/2014. It is submitted that interim injunction has already been granted by the Civil Court in favour of the petitioners which is being violated. Petitioners have also filed an application before the Civil court being

I.A.No.1977/2014 seeking police protection.

3. We are of the view that interim injunction order having already been granted by the Civil court, in case of any non-compliance, appropriate jurisdiction is vested in the Civil Court to take appropriate steps, we see no reason to entertain the writ petition. The petitioners can pursue their application filed before the Civil court and seek such other reliefs as may be advised by the Civil court.

With these observations, this writ petition is disposed of.

(sd/-)
**(ASHOK BHUSHAN,
ACTING CHIEF JUSTICE)**

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

