

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 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 1612 of 2015 (B)

PETITIONER(S):

**KUMARAN, AGED 75 YEARS
S/O.LATE KUNJUKOCHU, KOTTAKKUPURATHU HOUSE
IDUKKI VILLAGE, IDUKKI TALUK, IDUKKI DISTRICT.**

**BY ADVS.SRI.JOBY JACOB PULICKEKUDY
SRI.ANIL GEORGE**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM-695001.**
- 2. THE SUB INSPECTOR OF POLICE,
KANJAR POLICE STATION, KANJAR, IDUKKI DISTRICT-685603.**
- 3. SHAJI, S/O.KUMARAN, MUTHIURUNNAYARKARAYIL,
KOTTAKKUPURATHU HOUSE, IDUKKI VILLAGE, IDUKKI TALUK
IDUKKI DISTRICT-685603.**
- 4. ROY, S/O.KUMARAN, MUTHIURUNNAYARKARAYIL
KOTTAKKUPURATHU HOUSE, IDUKKI VILLAGE, IDUKKI TALUK
IDUKKI DISTRICT-685603.**
- 5. BOSE, S/O.KUMARAN, MUTHIURUNNAYARKARAYIL
KOTTAKKUPURATHU HOUSE, IDUKKI VILLAGE, IDUKKI TALUK
IDUKKI DISTRICT-685603.**

R1 & 2 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 1612 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 TRUE COPY OF THE INTERIM INJUNCTION ORDER PASSED BY THE
 MUNSIFF COURT IDUKKI**

**EXHIBIT P2 TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER
 BEFORE THE 2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

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

W.P.C.No.1612 of 2015

Dated this the 21st day of January 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 3 to 5 in view of the judgment being passed today.

2. By this *writ petition*, petitioner has approached this Court for a writ of mandamus commanding the 2nd respondent to afford adequate and meaningful protection to his life. Private respondents are none other than the children of the petitioner. Petitioner has already filed O.S.No.105/2014 before the Munsiff Court, Idukki and has obtained an order of injunction. A complaint Ext.P2 has been filed with general allegations.

3. The learned Government Pleader submits that on receipt of the complaint, an enquiry was made and it is found that there is no physical threat as on date.

4. After hearing learned counsel for the parties, we are of the view that the dispute between the petitioner and the private respondents is of civil nature which is already engaging the attention of the Civil court. As on date, no direction need be issued. We, however, observe that as and when any offence is committed or attempt to commit offence, it shall be open for the petitioner to file appropriate complaint.

With these observations, this *writ petition* is disposed of.

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

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

jsr

