

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 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C).No. 2615 of 2015 (B)

PETITIONER :

KASIM, AGED 62 YEARS
S/O.ENUTHU, PUTHIYANAVALAPPIL, KAKKATTIRI DESOM
MALA AMSOM, PATTAMBI TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.P.JAYARAM

RESPONDENTS/RESPONDENTS :

1. THE DISTRICT POLICE CHIEF, PALAKKAD, PIN - 678 001.
2. THE CIRCLE INSPECTOR OF POLICE,
PATTAMBI, PIN - 679 303.
3. THE SUB INSPECTOR OF POLICE
THRITHALA, PIN - 679 534.
4. BALAKRISHNAN MASTER,
S/O.AYYAPPAN, CHERATH VALAPPIL, S.N.NAGAR
MALA AMSOM DESOM, PATTAMBI TALUK, PALAKKAD DISTRICT
PIN - 679 534.
5. SINDHU @ SASIKUMAR
S/O.AYYAPPAN, CHERATH VALAPPIL, S.N.NAGAR
MALA AMSOM DESOM, PATTAMBI TALUK, PALAKKAD DISTRICT
PIN - 679 534.
6. RAJAN
S/O.AYYAPPAN, CHERATH VALAPPIL, S.N.NAGAR
MALA AMSOM DESOM, PATTAMBI TALUK, PALAKKAD DISTRICT
PIN - 679 534.
7. CHAKKAN
S/O.MADAMPI, MOOCHIKKOTTATHIL HOUSE, S.N.NAGAR
MALA AMSOM DESOM, PATTAMBI TALUK, PALAKKAD DISTRICT
PIN - 679 534.

8. ANEESH

S/O.CHAKKAN, MOOCHIKKOTTATHIL HOUSE, S.N.NAGAR
MALA AMSOM DESOM, PATTAMBI TALUK, PALAKKAD DISTRICT
PIN - 679 534.

9. STATE OF KERALA

REPRESENTED BY SECRETARY DEPARTMENT OF HOME AFFAIRS
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.

R1 TO R3 & R9 BY GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1: TRUE COPY OF THE COMPLAINT DATED 29/04/2014 SUBMITTED BY THE PETITIONER BEFORE 3RD RESPONDENT WITH ACKNOWLEDGEMENT FROM POLICE STATION.

EXT.P1(A): TRUE ENGLISH TRANSLATION OF EXHIBIT P2.

EXT.P2: TRUE COPY OF THE COMPLAINT DATED 03/05/2014 SUBMITTED BY THE PETITIONER BEFORE 3RD RESPONDENT.

EXT.P2(A): TRUE ENGLISH TRANSLATION OF EXHIBIT P2.

EXT.P3: TRUE COPY OF THE COMPLAINT DATED 16/09/2014 SUBMITTED BY THE PETITIONER BEFORE SECRETARY, PATTITHARA GRAMA PANCHAYAT.

EXT.P4: TRUE COPY OF THE PLAINT IN O.S.NO. 107/2014 ON THE FILES OF MUNSIFF-MAGISTRATE, PATTAMBI.

EXT.P4(A): TRUE ENGLISH TRANSLATION OF EXHIBIT P5.

EXT.P5: TRUE COPY OF THE COUNTER STATEMENT SUBMITTED BY RESPONDENTS 6 & 7 IN I.A.NO. 507/2014, O.S.NO. 107/2014, MUNSIFF-MAGISTRATE, PATTAMBI.

EXT.P5(A): TRUE ENGLISH TRANSLATION OF EXHIBIT P6.

EXT.P6: TRUE COPY OF THE REPORT AND ROUGH SKETCH REPORTED BY THE ADVOCATE COMMISSIONER IN I.A.NO. 752/2014, O.S.NO. 107/2014, MUNSIFF-MAGISTRATE, PATTAMBI.

EXT.P7: PHOTOGRAPHS SHOWING DESTRUCTION OF BOUNDARIES OF THE PETITIONER AND ALSO MASSIVE EXCAVATION OF EARTH.

EXT.P8: TRUE COPY OF REPORT PUBLISHED IN MADHYAMAM DAILY DATED 14/11/2012.

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

EXT.P9: TRUE COPY OF THE COMPLAINT TO 1ST RESPONDENT DATED 01/01/2015 BY THE PETITIONER.

EXT.P10 : TRUE COPY OF THE COUNTER STATEMENT DATED 9.7.2014 FILED BY THE 4TH RESPONDENT IN I.A. No.507/2014 IN O.S. No.107/2014 BEFORE THE MUNSIFF-MAGISTRATE COURT, PATTAMBI.

WP(C).No. 2615 of 2015 (B)

EXT.P10(A) : TRUE ENGLISH TRANSLATION OF EXHIBIT.P10.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 2615 OF 2015

Dated this the 10th day of February, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

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

2. By this writ petition the petitioner has prayed for a mandamus directing respondents 1 to 3 to provide adequate and meaningful police protection to the life and property of petitioner and his workers. Petitioner's case in the writ petition is that respondents have damaged the boundary wall of the petitioner's property and due to the existing threat, the petitioner is not able to carry on the work in his property. It is submitted that petitioner has already filed a suit in the Civil Court being O.S. No.107 of 2014, wherein injunction has been sought restraining the defendants from digging their property on the north of the plaint schedule properties. Petitioner's case is that Ext.P9 complaint has been submitted on 01.01.2015, but no action has been taken by the police authorities.

3. Learned Government Pleader submits that Ext.P9 complaint does not refer to any incident nor any such offence as alleged, on which enquiry or investigation can take place. It is submitted that the dispute between the parties is a civil dispute which has already got the attention of civil court.

4. In the facts of the present case, no useful purpose will be served by issuing any further orders. We, however, observe that in the event, any offence is committed or there is any attempt to commit offence, it is always open for the petitioner to file appropriate complaint before the police authorities and the police authorities may look into the same and do the needful in accordance with law.

With the above observation, the Writ Petition is closed.

**Ashok Bhushan,
Acting Chief Justice.**

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

WP(C) No. 2615 of 2015

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