

**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**

**FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936**

**WP(C).No. 3489 of 2015 (I)**  
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**PETITIONER :**  
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**S.N.BASHEER, AGED 58 YEARS,  
SHIJI MANZIL, KUNDAYAM MURI, PATHANAPURAM,  
NOW RESIDING AT MADHUMANGALAM, PIDAVOOR MURI,  
PATHANAPURAM.**

**BY SRI.GRASHIOUS KURIAKOSE,SENIOR ADVOCATE**

**RESPONDENT(S):**  
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- 1. THE SUPERINTENDENT OF POLICE,  
(RURAL), KOLLAM-691 001.**
- 2. THE CIRCLE INSPECTOR OF POLICE,  
PATHANAPURAM, KOLLAM DISTRICT-691 001.**
- 3. THE SUB INSPECTOR OF POLICE,  
PATHANAPURAM, KOLLAM-691 001.**
- 4. KUNJAMMA GEORGE,  
W/O K.MOHANAN NAIR, AGED 53 YEARS,PLAVANAL PUTHEN VEEDU,  
KUDAYAM MURI, PATHANAPURAM VILLAGE, PATHANAPURAM,  
KOLLAM (DIST). PIN-691 001.**
- 5. K.MOHANAN NAIR, S/O KRISHNAN NAIR, AGED 58 YEARS,  
KARTHIKA, GRA B 189,TC 6/2/2429, ETTAYOOKONAM,  
VATTIYOORKAVU, NOW RESIDING AT MADHUMANGALAM,  
PIDAVOOR MURI, PATHANAMPURAM TALUK, KOLLAM (DIST).**

**R1 TO R3 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**sts**

**WP(C).No. 3489 of 2015 (I)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXHIBIT P1:** TRUE COPY OF THE PALINT IN O.P.NO.1100/2014 FILED BY THE FIFTH RESPONDENT AGAINST 4TH RESPONDENT AND OTHERS.
- EXHIBIT P2:** TRUE COPY OF THE COUNTER AFFIDAVIT IN O.P.NO.1184/2014 OF THE FIFTH RESPONDENT.
- EXHIBIT P3:** TRUE COPY OF THE LEASE DEED EXECUTED BY THE PETITIONER IN FAVOUR OF THE FIFTH RESPONDENT DATED 20.11.2014.
- EXHIBIT P4:** TRUE COPY OF THE REPORESENTATION SUBMITTED BY THE PETITIONER BEFORE THE THE FIRST RESPONDENT.
- EXHIBIT P5:** TRUE COPY OF THE INJUNCTION DATED 19.12.2014 IN SUIT NO.624/2014 OF MUNSIFF COURT, PUNALUR.
- EXHIBIT P6:** TRUE COPY OF THE PLAINT IN O.S.NO.624/2014 OF THE MUNSIFF COURT, PUNALUR.

**RESPONDENT(S)' EXHIBITS:** NIL

**/TRUE COPY/**

**P.S.TO.JUDGE**

**sts**

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

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W.P. (C ) No. 3489 of 2015 – I  
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Dated this the 6<sup>th</sup> day of February, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

Heard the learned Counsel for the petitioner as well as the learned government Pleader. No notice is being issued to respondent Nos. 4 and 5 in view of the orders being passed.

2. By this Writ Petition, the petitioner has approached this Court for a mandamus directing th 3<sup>rd</sup> respondent to refrain from interfering with the dispute between the petitioner and respondent Nos. 4 and 5 with regard to occupation of building bearing No. TP VI/457. Petitioner's case is that he is a tenant in the said portion of the building and there is an interim order of injunction in favour of the petitioner for not being evicted except

in accordance with law.

3. Learned Government Pleader, after instructions submitted that on a complaint submitted by the 4<sup>th</sup> respondent a crime has been registered as Crime No. 1921/2014 against the petitioner and the 5<sup>th</sup> respondent. It is submitted that police in that connection has summoned the petitioner to the police Station to record his statement. It is also submitted that under an order passed by the Magistrate, the 4<sup>th</sup> respondent was inducted in a portion of the house and police shall not interfere with regard to eviction from the house, unless there is an order passed by the competent court.

In view of the above, we see no reason to issue any direction as prayed for. Accordingly, this Writ Petition is closed.

Sd/-ASHOK BHUSHAN ,  
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFIQUE,  
JUDGE

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/truecopy/

P.S.toJudge