

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. 3915 of 2015 (L)

PETITIONER :

**THAMBY SADHASIVAN, AGED 48 YEARS,
NANDANATHUTHUNDIYIL (H), KUMBALANGI, ERNAKULAM**

BY ADV. SRI.DILISH JOHN

RESPONDENTS :

- 1. C.I. OF POLICE, CENTRAL POLICE STATION,
ERNAKULAM - PIN: 682 031.**
- 2. STATE PRESIDENT, BHARATHIYA JANATHHA PARTY,
STATE COMMITY OFFICE, MARARJI BHAVAN, ARISTRO JN
THIRUVANANTHAPURAM - 690 012.**
- 3. LOUIS C.J., AGED 43 YEARS,
S/O.C.J.JOHN, CHOVALUR HOUSE, THOMASPURAM
MARADU - 682 018.**

R1 BY SENIOR 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:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: THE TRUE COPY OF THE INJUNCTION ORDER IN FAVOR OF THE PETITIONER FROM THE 3RD ADDITIONAL MUNSIF COURT, ERNAKULAM.
- P2: THE TRUE COPY OF THE INJUNCTION SCHEDULE.
- P3: THE TRUE COPY OF THE CMA NO.2/201 PENDING BEFORE THE HONOURABLE COURT, ERNAKULAM.
- P4: THE TRUE PHOTOGRAPHS OF THE SHOP ROOM IN WHICH 2ND RESPONDENTS POLITICAL PARTY DONE THE MUNCHIEF'S.
- P5: TRUE COPY OF THE COMPLAINT GIVEN TO THE POLICE AUTHORITIES

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

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

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W.P. (C) No. 3915 of 2015 – L
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Dated this the 6th day of January, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

Heard the learned counsel for the petitioner as well as the learned Government Pleader.

2. By this Writ Petition, the petitioner prays for a mandamus directing the first respondent to give sufficient and adequate police protection to the petitioner from the threat of the 2nd respondent's political party. Petitioner's case is that he is a tenant in a shop room and he had obtained an interim injunction against forcible eviction. He submits that he is being threatened to be evicted from the shop room without following the due process of law. Hence, he has filed this Writ Petition for police Protection.

3. The learned Government Pleader submits that the interim injunction which was obtained by the petitioner has already been vacated. It is mentioned in the Writ Petition itself. The learned counsel for the petitioner submits that he has already been filed a CMA before the District Court against the vacation of the interim order and the said CMA is still pending.

The dispute is pertaining to forcible eviction of the petitioner from the shop room and the same is said to be pending before the District court. We are of the view that petitioner may pursue the civil proceedings and obtain a stay order in accordance with law. No case has been made out in this Writ Petition to grant police protection. Accordingly, this Writ Petition is closed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/-A.M.SHAFFIQUE,
JUDGE

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