

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

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C) .No. 4069 of 2015 (G)

PETITIONER(S) :-

NABEEZA BEEVI, AGED 55 YEARS,
D/O.SAINABA BEEVI, SHABIN MANZIL, CHANNANGARA DESOM
KADINAMKULAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.K.SIJU
SRI.S.ABHILASH
SMT.NIMA JACOB

RESPONDENT(S) :-

1. DISTRICT POLICE CHIEF, THIRUVANANTHAPURAM RURAL,
KOWDIAR P.O., THIRUVANANTHAPURAM - 695 003.
2. DEPUTY SUPERINTENDENT OF POLICE, ATTINGAL,
THIRUVANANTHAPURAM DISTRICT - 695 101.
3. THE SUB INSPECTOR OF POLICE, KADINAMKULAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT - 695 303.
4. SANTHA. W/O.VIDRAN, KASALAKKAKOM,
CHANNANGARA DESOM, KADINAMKULAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT - 695 303.
5. ANANDAVALLI, D/O.PONNAMMA, KASALAKKAKOM,
CHANNANGARA DESOM, KADINAMKULAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT - 695 303.
6. VALSALA, D/O.PONNAMMA, KASALAKKAKOM,
CHANNANGARA DESOM, KADINAMKULAM VILLAGE
THIRUVANANTHAPURAM DISTRICT - 695 303.
7. SOBHANA, D/O.RAJAMMA, KASALAKKAKOM,
CHANNANGARA DESOM, KADINAMKULAM VILLAGE
THIRUVANANTHAPURAM DISTRICT - 695 303.
8. JALEELA, W/O.BADARUDHEEN, KASALAKKAKOM VEEDU,
CHANNANGARA DESOM, KADINAMKULAM VILLAGE
THIRUVANANTHAPURAM DISTRICT - 695 303.

9. SHAILA, D/O.ASSAM BEEVI, KOPRAKKOOTIL VEEDU,
CHANNANGARA DESOM, KADINAMKULAM VILLAGE
THIRUVANANTHAPURAM DISTRICT - 695 303.
10. NAZEERA, D/O.AVVA UMMAL, HANOOJ MANZIL,
KASALAKKAKATHU VEEDU, CHANNANGARA DESOM
KADINAMKULAM VILLAGE
THIRUVANANTHAPURAM DISTRICT - 695 303.
11. THANOOJ, D/O.VASANTHA,
KASALAKKAKOM VEEDU, CHANNANGARA DESOM
KADINAMKULAM VILLAGE
THIRUVANANTHAPURAM DISTRICT - 695 303.
12. SAJITHA SALAM, THAZNI MANZIL, JANMI MUKKU,
CHANNANGARA DESOM, KADINAMKULAM VILLAGE
THIRUVANANTHAPURAM DISTRICT - 695 303.
13. SALAM, S/O.MUHAMMED KUNJU, JANMI MUKKU,
CHANNANGARA DESOM, KADINAMKULAM VILLAGE
THIRUVANANTHAPURAM DISTRICT - 695 303.
14. UNAISA ANZARI, MANAKKATTU VILAKAM VEEDU,
CHITTATTUMUKKU DESOM,
MENAMKULAM VILLAGE, KAZHAKUTTOM P.O.
THIRUVANANTHAPURAM - 695 001.

R1 TO R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

WP(C) .No. 4069 of 2015 (G)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT P1 : TRUE COPY OF THE INTERIM ORDER PASSED BY THE MUNSIF COURT, ATTINGAL IN O.S NO 434/2005 DATED 13-12-2005.

EXHIBIT P2 : TRUE COPY OF THE ROUGH SKETCH PREPARED BY THE COMMISSIONER ON 12-12-2005 IN O.S NO 434/2005.

EXHIBIT P3 : THE SURVEY PLAN PREPARED BY THE SURVEYOR IN O.S NO 434/2005 ON THE FILE OF MUNSIF COURT, ATTINGAL.

EXHIBIT P3(a) : TRUE COPY OF THE ENGLISH TRANSLATION OF THE ABSTRACT PORTION OF EXT P3.

EXHIBIT P4 : TRUE COPY OF THE COMMON JUDGMENT IN O.S NO 434/2005 AND O.S NO 22/2007.

EXHIBIT P5 : TRUE COPY OF THE LETTER VIDE NO 31/2015 DATED 13-01-2015 ISSUED BY THE LEARNED MUNSIF TO THE THIRD RESPONDENT.

EXHIBIT P6 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT ON 13-01-2015.

EXHIBIT P6(a) THE ENGLISH TRANSLATION OF EXT P6.

EXHIBIT P7 : TRUE COPY OF THE REPORT DATED 16-01-2015 SUBMITTED BY THE COMMISSIONER ADVOCATE.

EXHIBIT P7(a) : THE ENGLISH TRANSLATION OF EXT P7.

EXHIBIT P8 : TRUE COPY OF THE ORDER IN E.A NO 8/2015 IN EP NO 31/2012 DATED 24-01-2015.

EXHIBIT P9 : TRUE COPY OF THE REPORT DATED 29-01-2015 SUBMITTED BY THE COMMISSIONER IN EP NO 31/2012.

EXHIBIT P9 (a) : THE ENGLISH TRANSLATION OF EXT P9.

EXHIBIT P10 : THE COPY OF THE REPORT DATED 02-02-2015 SUBMITTED BY THE AMIN OF THE MUNSIF COURT, ATTINGAL IN EP NO 31/2012.

EXHIBIT P10(a) : THE ENGLISH TRANSLATION OF EXT P10.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.4069 of 2015

Dated this the 9th day of February 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking police protection for executing the decree in O.S.No.434 of 2005 and O.S.No.22 of 2007 of the Munsiff's Court, Attingal. A perusal of the averments made in the writ petition as well as the records produced along with the same would show that a direction has already been issued by the Munsiff's Court, Attingal by order dated 24.1.2015 in E.P.No.31 of 2012 in O.S.No.434 of 2005, appointing an Advocate Commissioner along with Amin to execute the order in the presence of a Surveyor and directing the C.I. of Police, Kazhakoottam to provide sufficient security and police assistance. In pursuance to the above direction, a report has been submitted by the Advocate Commissioner on 29.1.2015 stating that sufficient police force was not there to execute the order and again by the Amin on 2.2.2015.

2. Learned counsel for the petitioner submits that the force provided by the police was not sufficient and therefore, appropriate direction need be issued to execute the order. Since

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the matter has already received the attention of the civil court, it is for the learned Munsiff to consider and pass further orders regarding appropriate police force to be engaged to execute the decree. Under such circumstances, there is no reason for this Court to interfere with the matter at this stage of proceedings. The petitioner is free to approach the learned Munsiff to obtain appropriate orders.

With this observation, this Writ Petition is dismissed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE