

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

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 6140 of 2015 (N)

PETITIONER :

GANGADHARAN, S/O.VELAYUDHAN, AGED 52 YEARS,
EDASSERY HOUSE, VATTAPPARA, THOZHUVANOOR P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS :

1. SUB INSPECTOR OF POLICE,
VALANCHERY POLICE STATION,
MALAPPURAM DISTRICT - 676 552.
2. THANKAMANI, W/O.UNNIKRISHNAN,
THOZHUVANOOR P.O., THOZHUVANOOR AMSOM,
VATTAPPARA, TIRUR TALUK, MALAPPURAM DISTRICT - 676 552.

R1 BY STATE ATTORNEY, SRI.P.VIJAYARAGHAVAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 6140 of 2015 (N)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE JUDGMENT IN O.S. NO.318/2011 OF THE MUNSIFF COURT, TIRUR DATED 29.08.2013.

EXT.P2 : TRUE COPY OF THE REPRESENTATION OF THE PETITIONER ALONG WITH ENGLISH TRANSLATION.

RESPONDENTS EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P(C).No.6140 of 2015

Dated this the 26th February, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection for constructing a boundary wall. It is alleged that the second respondent has threatened the petitioner and obstructed the construction of boundary wall. Further it is stated that the second respondent had filed O.S.No.318 of 2011 before the Munsiff's Court, Tirur for injunction restraining the petitioner from obstructing the second respondent from using the way, which was alleged to be on the western side of the property of the petitioner. The suit was finally dismissed as per Exhibit P1 judgment dated 29.8.2013 with a finding that there is no such way. When the petitioner attempted to construct the

compound wall, which is not sharing any boundary with the second respondent, the allegation is that the second respondent was obstructing the petitioner. Though a complaint was filed seeking police protection for proceeding with the construction, no action was taken, hence the petitioner has approached this Court.

2. The learned State Attorney, on instruction, would submit that after receiving Exhibit P2 complaint, the Police went to the site and it was found that no attempt was made by the petitioner to construct the compound wall, no materials had been stored in the area and no obstruction was caused by the second respondent.

3. In such circumstances, we do not think that it is necessary to issue any direction as sought for in the Writ Petition. If there is any obstruction caused, it shall be open for the petitioner to approach the Police, who shall look into the same and do the needful.

With the above observation, the Writ Petition is closed.

**ASHOK BHUSHAN
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs26/2/15