

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C) .No. 6204 of 2015 (A)

PETITIONER(S) :-

RAJEEV P.V., AGED 49 YEARS
S/O. LATE PADINJAREKARA VASUDEVAN, NEDUMPURA VILLAGE
TALAPPILLY TALUK, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S) :-

1. THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO THE GOVERNMENT HOME DEPARTMENT, GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM-695 001.
2. THE SUB INSPECTOR OF POLICE, CHERUTHURUTHY POLICE STATION THRISSUR DISTRICT-680 001.
3. JAYATHILAKAN, S/O. PADINJAREKARA DEVAN, VALLATHOLE NAGAR NEDUMPURA VILLAGE, THRISSUR DISTRICT-680 001.
4. MANIKANDAN, S/O. RAMACHANDRAN, PADINJAREKARA HOUSE NEDUMPURA VILLAGE, THRISSUR DISTRICT-680 001.
5. SULOCHANA, D/O. KUNJIKUTTAN, PADINJAREKARA HOUSE NEDUMPURA VILLAGE, THRISSUR DISTRICT-680 001.
6. RADHA, D/O. KUNJIKUTTAN, PADINJAREKARA HOUSE NEDUMPURA VILLAGE, THRISSUR DISTRICT-680 001.
7. SUMITHA, W/O. MANIKANDAN, PADINJAREKARA HOUSE NEDUMPURA VILLAGE, THRISSUR DISTRICT-680 001.

R3 BY ADV. SRI.VINOD RAVINDRANATH
SMT.MEENA.A.
SRI.SAJU.S.A
SRI.K.C.KIRAN
SRI.M.DEVESH

R1 & R2 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 : A COPY OF THE COMMON JUDGMENT IN AS NO.411 OF 2010 AND CONNECTED CASES DTD.11.11.2014 OF THE 4TH ADDL. DISTRICT COURT, THRISSUR.

EXT.P2 : A COPY OF THE REPORT OF THE AMIN BEFORE THE EXECUTION COURT DTD.11.11.2013.

EXT.P3 : A COPY OF THE COMPLAINT OF THE PETITIONER WITH TRANSLATION DTD.20.1.2015.

EXT.P4 : A COPY OF THE COMPLAINT LODGED BY THE PETITIONER WITH TRANSLATION DTD.25.1.2015 BEFORE THE 2ND RESPONDENT.

EXT.P5 : A COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT DTD.20.1.2015.

EXT.P6 : A COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT DTD.25.1.2015.

EXT.P7 : A COPY OF THE ORDER PASSED IN CRL.MP NO.518 OF 2014 IN CRL.MC NO.2512 OF 2013 DTD.1.7.2014 ON THE FILE OF THE SESSIONS COURT, THRISSUR.

EXT.P8 : A COPY OF THE JUDGMENT IN OP NO.168 OF 2014 DTD.21.8.2014 OF THIS HON'BLE COURT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.6204 of 2015

Dated this the 6th day of April 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking police protection. It is alleged that there was dispute regarding right of property with private respondents 3 to 7, which has ultimately come to an end by a decree passed by the court and boundary of the property also has been fixed. The respondent Nos.4 to 7 with the aid of the 3rd respondent had destroyed the fencing, which was put up with the assistance of the Amin deputed by the court in execution of the decree. The petitioner has submitted complaints before the police, but no action has been taken in the matter and therefore, he has approached this Court.

2. The 3rd respondent has filed a counter affidavit inter alia stating that with respect to the portions of the decree which came against him, he had made arrangements to file a second appeal before this Court. Further he admits that the decree for fixation of boundary has been executed through court. According to him, the complaints are false and the intention is only to make

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unnecessary allegations against him. Further it is pointed out that the petitioner had filed several complaints against the 3rd respondent which were later on closed by the police.

3. Sri.T.Krishnanunni, the learned Senior Counsel appearing on behalf of the 3rd respondent submits that the 3rd respondent has no intention to do any illegal activity or commit any offence. As far as the petitioner is concerned, he is ready and willing to abide by the directions issued by this Court.

4. Having regard to the aforesaid factual situation, we do not think it necessary to pass any direction as sought for in this case. If there is any offence being committed or attempt to commit offence, it shall always be open for the petitioner to approach the police, in which event, the police shall look into the matter and do the needful.

With the above observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE