

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 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 6529 of 2015 (M)

PETITIONER(S):

1. THANKAPPAN, AGED 58 YEARS
S/O. CHAMIYAR, MOOTHAN VEEDU, CHERAMPARA
PARAKKALAM, ELIVAL, MALAMPUZHA
PALAKKAD - 678 651

2. RUGMANI, AGED 48 YEARS
W/O. KANDAN, VALLATHU VEEDU, THEKKEPARAMBU
PUDUPPARIYARAM, PALAKKAD.

BY ADV. SRI.K.P.BALAGOPAL

RESPONDENT(S):

1. THE DISTRICT SUPERINTENDENT OF POLICE,
DISTRICT POLICE OFFICE, PALAKKAD - 678 001.

2. THE CIRCLE INSPECTOR OF POLICE
HEMAMBIKA NAGAR CIRCLE OFFICE, HEMAMBIKA NAGAR
PALAKKAD - 678 009.

3. THE SUB INSPECTOR OF POLICE
MALAMPUZHA POLICE STATION, MALAMPUZHA
PALAKKAD - 678 651.

4. SEBASTIAN @ KUTTAN, AGED 26 YEARS
S/O. DORAISWAMY, PARAKKALAM, ELIVAL
MALAMPUZHA, PALAKKAD DISTRICT - 678 651.

5. SAVIOUR, AGED 40 YEARS
S/O. BORAIWAMY, PARAKKALAM, ELIVAL
MALAMPUZHA, PALAKKAD DISTRICT - 678 651.

6. BALAN, AGED 52 YEARS
S/O. MURUKAN, PARAKKALAM, ELIVAL
MALAMPUZHA, PALAKKAD DISTRICT - 678 651.

7. UDAYAN, AGED 48 YEARS
S/O. MURUKAN, PARAKKALAM, ELIVAL
MALAMPUZHA, PALAKKAD DISTRICT - 678 651.

8. RAMAKRISHNAN
S/O. KUNJU, SREELAKSHMI NIVAS, VALIYAKAD
ANAKKAL, MALAMPUZHA, PALAKKAD - 678 651.

BY GOVERNMENT PLEADER C.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 12-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 - A TRUE COPY OF THE COMPLAINT DT.
03.2.15 PREFERRED BY THE 1ST PETITIONER
BEFORE THE 3RD RESPONDENT.

P1(A) - ENGLISH TRANSLATION OF EXT. P1.

P2 - TRUE COPY OF RECEIPT ACKNOWLEDGING
RECEIPT OF EXT. P1.

P2(A) - ENGLISH TRANSLATION OF EXT. P2.

P3 - TRUE COPY OF THE COMPLAINT PREFERRED BY
THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT
ON 11.2.15.

P3(A) -ENGLISH TRANSLATION OF EXT.P3.

P4 - TRUE COPY OF THE RECEIPT ACKNOWLEDGING
RECEIPT OF EXT. P3.

P4(A) - ENGLISH TRANSLATION OF EXT. P4.

P5 - TRUE COPY OF THE COMPLAINT PREFERRED BY
THE 2ND PETITIONER BEFORE THE 1ST
RESPONDENT.

P5(A) - ENGLISH TRANSLATION OF EXT. P5.

P6 - TRUE COPY OF THE RECEIPT ACKNOWLEDGING
RECEIPT OF EXT. P5.

P6(A) - ENGLISH TRANSLATION OF EXT. P6.

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

.....
W.P. (C) No. 6529 of 2015 – M
.....

Dated this the 12th day of March, 015

JUDGMENT

Ashok Bhushan, Ag.CJ.

Heard the learned counsel for the petitioners and the learned Government Pleader. No notice is being issued to party respondents in view of the orders being passed.

2. By this Writ Petition, petitioners have prayed for a direction to respondents 1 to 3 to provide adequate and effective police protection from the illegal activities of respondents 4 to 8. In the Writ Petition itself, petitioners have referred to Original Suit No. 282/2002, where an interim injunction is claimed to have been obtained.

3. Learned Government Pleader submitted that there is another suit filed by respondent Nos. 4 and 5 being O.S. No. 62

of 2014, in which an order has been passed for maintaining status quo. Learned Government Pleader further submitted that in view of the fact that the entire issue is pending consideration before the Civil Court, it is not possible for the police to extend any protection in disregard to the orders of the Civil Court.

4. We are of the view that the remedy available to the petitioners is to obtain necessary orders from the Civil Court in the pending civil suits and no direction can be issued in the present case.

With this observation, this Writ Petition is closed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/-A.M.SHAFFIQUE,
JUDGE

ari/

/truecopy/

P.S.toJudge