

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

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 6731 of 2015 (N)  
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PETITIONER(S) :-  
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BADIRYA, AGED 40 YEARS  
W/O.ABDUL SALAM, RESIDING AT KAKKIDIPARAMBIL HOUSE  
UNDAPADI, PURATHUR AMSOM, EDAKKANAD DESOM  
TIRUR TALUK, MALAPPURAM, KERALA.

BY ADVS.SRI.J.R.PREM NAVAZ  
SRI.P.T.SHEEJISH

RESPONDENTS :-  
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1. STATE OF KERALA REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF HOME AFFAIRS, THIRUVANANTHAPURAM.
2. THE SUPERINTENDENT OF POLICE, MALAPPURAM.
3. THE CIRCLE INSPECTOR OF POLICE,  
TIRUR POLICE STATION, MALAPPURAM.
4. THE STATION HOUSE OFFICER,  
TIRUR POLICE STATION, MALAPPURAM.
5. ALIKKUTTY, AGED 50 YEARS  
S/O.KUNHAVA HAJI, EDAKKADU DESAM, MATTANNUR P.O.  
UNDAPPADI, MALAPPURAM DISTRICT.
6. RAMLA, AGED 44 YEARS  
W/O.ALIKKUTTI, EDAKKADU DESAM, MATTANNUR P.O.  
UNDAPPADI, MALAPPURAM DISTRICT.
7. RASHAD, AGE NOT KNOWN  
S/O.ALIKUTTI, EDAKKADU DESAM, MATTANNUR P.O.  
UNDAPPADI, MALAPPURAM DISTRICT.

R1 TO R4 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

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

APPENDIX

PETITIONER(S) ' EXHIBITS :-  
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EXHIBIT P1. TRUE COPY OF THE ORDER IN IA NO:735 OF 2014 IN O.S.NO.88 OF 2014, DATED 21.05.2014.

EXHIBIT P2. TRUE COPY OF THE ORDER IN IA 1654 OF 2014 IN O.S.NO.88 OF 2014.

EXHIBIT P3. TRUE COPY OF THE FIR NO:104 OF 2015 AT TIRUR POLICE STATION, DATED 18.01.2015 ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT P4. TRUE COPY OF THE COMPLAINT FILED BEFORE THE 2ND RESPONDENT, DATED 23.01.2015, ALONG WITH ITS ENGLISH TRANSLATION.

RESPONDENT(S) ' EXHIBITS :- NIL  
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//TRUE COPY//

P.A. TO JUDGE

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

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**W.P.(C) No.6731 of 2015**  
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**Dated this the 3<sup>rd</sup> day of March 2015**

**J U D G M E N T**

**Shaffique, J.**

The petitioner has approached this Court seeking police protection. It is inter alia contended that respondents 5 to 7 and their henchmen had threatened the petitioner and committed offence, against which, a crime has been registered by the police. The petitioner submits that her husband was a party to the suit, O.S.No.88 of 2014, in which, the respondents 5 and 6 only were parties. The issue was regarding the use of pathway and there was a direction to maintain status quo till the disposal of the suit. Despite the order of status quo, the respondents 5 to 7 are obstructing the petitioner from using the pathway. The petitioner has filed an application before the civil court as I.A.No.1654 of 2014 seeking for police assistance to enforce the order of status quo. The learned Munsiff found that there is nothing on record to show that it is necessary to provide police assistance to enforce the status quo order and therefore, the application was dismissed.

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2. Having regard to the fact that the petitioner's husband had already approached the civil court seeking appropriate relief, if at all there is necessity to seek police protection, the remedy of the petitioner is to approach the civil court. Even the civil court did not find it necessary to grant police assistance. If any person is aggrieved by the order dated 3.9.2014 in I.A.No.1654 of 2014, their remedy is to challenge the same in appropriate proceedings. Petitioner cannot approach this Court seeking the very same relief which was rejected by the learned Munsiff.

Under such circumstances, we do not see any merit in the writ petition. The writ petition is hence, dismissed.

**Sd/-**  
**ASHOK BHUSHAN**  
**Ag. CHIEF JUSTICE**

**Sd/-**  
**A.M. SHAFFIQUE**  
**JUDGE**