

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 8402 of 2015 (A)

PETITIONERS:

1. LEELA MANI, AGED 65 YEARS
WIFE OF SATHEESHAN NAIR, ARUN NIVAS, AYAMPILLY P.O.
KUZHIPALLI, ERNAKULAM FROM NEERATHUVELAYIL
PANAMVALI P.O., CHERTHALA
NOW RESIDING AT VILANGATTIL VEEDU, H.NO.35
THEKKUMBHAGAM, THRIPIUNITHARA.

2. ARUN
SON OF SATHESHAN ARUN NIVAS, AYAMPILLY P.O.
KUZHIPALLI, ERNAKULAM FROM NEERATHUVELAYIL
PANAMVALI P.O., CHERTHALA
NOW RESIDING AT VILANGATTIL VEEDU, H.NO.35
THEKKUMBHAGAM, THRIPIUNITHARA.

BY ADVS.SRI.A.N.RAJAN BABU
SRI.P.GOPALAKRISHNAN (MVA)
SRI.A.R.EASWAR LAL

RESPONDENTS:

1. THE DEPUTY SUPERINTENDENT OF POLICE, CHERTHALA

2. CIRCLE INSPECTOR OF POLICE,
CHERTHALA.

3. SUB INSPECTOR OF POLICE,
POOCHAAKAL, CHERTHALA.

4. DHAMODARAN,
SON OF KUTTI, KARUMATHIL PANAVALLY P.O., CHERTHALA.

5. ANIRUDHAN,
SON OF KUTTI DHAMODARAN, KARUMATHIL, PANAVALLY P.O.
CHERTHALA.

6. MOHANAN,
SON OF KUTTI DHAMODARAN, PANAVALLY P.O., CHERTHALA.

7. MANOHARAN,
SON OF VELLAYUDIN KANJIRAKAPPALLY, NIKARTHIL
PANAMVALLY P.O., CHERTHALA.

8. PADMANBHAN SHAJI,
LAKSHAM VEEDU, COLONEY (KADAVIL) PANAMVALLY P.O.
CHERTHALA.

R7 BY ADV. SRI.T.JAYAKRISHNAN
R7 BY ADV. SRI.R.KRISHNAKUMAR (CHERTHALA)
BY SR.GOVERNMENT PLEADER SRI.C.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXHIBIT P1: A TRUE COPY OF THE COMMON JUDGMENT IN OS 734/2008 AND OS 736/08.

EXHIBIT P2: A TRUE COPY OF THE JUDGMENT IN OS 154/2011 DATED 23/7/14 OF MUNSIFF COURT CHERTHALA.

EXHIBIT. P3: A TRUE COPY OF THE COMPLAINT FILED BEFORE THE 1ST RESPONDENT ON 15/1/2015.

EXHIBIT P3(A): A TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P3.

RESPONDENTS' EXHIBITS:NIL

/TRUE COPY/

P.S TO JUDGE

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ASHOK BHUSHAN, CJ. & K. RAMAKRISHNAN, J.

.....
W.P.(C).No.8402 of 2015

.....
Dated this the 16th day of December, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the petitioners, learned Government Pleader as well as learned counsel for the 7th respondent.

2. The writ petition has been filed seeking police protection for the life and properties of the petitioners comprised in Survey Nos.157/19-1, 157/20 and 157/21 in Panavally village. The petitioners claim to be the absolute owner of the properties comprised in aforementioned survey numbers. The writ petition is also referred to Ext.P1 alleged order passed by the Additional Munsiff, Cherthala dated 21st October, 2011 as well as Ext.P2 order dated 23rd July, 2014 in OS.No.154/11 and OS.No.734/2008.

3. Learned Government Pleader as well as learned counsel for the 7th respondent submit that appeals have been filed in Sub Court, Cherthala against Exts.P1 and P2, which are pending.

4. Learned counsel for the petitioners submits that there

is a dispute regrading pathway which is pending consideration before the civil court.

5. In the above view of the matter, no direction can be issued for grant of police protection in this petition. It is open for the parties to obtain necessary orders from the civil court.

With the above observations, this writ petition is closed.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
K. RAMAKRISHNAN,
JUDGE.

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