

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

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 8600 of 2015 (Y)

PETITIONER(S) :

1. PRASANNAKUMAR A. AGED 58 YEARS
S/O.ANANADAN, PUTHENPARAMBIL HOUSE,
VALIYAPARAMBU PO, KIZHAKKEKKARA VADAKKUMMURI,
THRIKKUNNAPUZHA VILLAGE, KARHTIKAPPALLY TALUK,
ALAPPUZHA DISTRICT PIN 690515

2. JAYANTHY C, AGED 47 YEARS
W/O.PRASANNAKUMAR A, PUTHENPARAMBIL HOUSE
VALIYAPARAMBU PO, KIZHAKKEKKARA VADAKKUMMURI
THRIKKUNNAPUZHA VILLAGE, KARHTIKAPPALLY TALUK
ALAPPUZHA DISTRICT PIN 690515

BY ADV. SRI.G.BENO

RESPONDENT(S) :

1. THE DISTRICT POLICE CHIEF, ALAPPUZHA
690507

2. THE CIRCLE INSPECTOR OF POLICE
HARIPAD, ALAPPUZHA DIST. 690514

3. THE DEPUTY SUPERINTENDENT OF POLICE
KAYAMKULAM - 689508

4. SUB INSPECTOR OF POLICE
THRIKKUNNAPUZHA, ALAPPUZHA DISTRICT 690516

5. PRAKASAN, AGED 65 YEARS
SUMALAYAM, VALIYAPARAMBU PO
KIZHAKKEKKARA VADAKKUMMURI,
THRIKKUNNAPUZHA VILLAGE
KARTHIKAPPALLY TALUK,
ALAPPUZHA DISTRICT PIN 690516

6. OMANA, AGED 55 YEARS
W/O.PRAKASAN SUMALAYAM, VALIYAPARAMBU PO
KIZHAKKEKKARA VADAKKUMMURI,
THRIKKUNNAPUZHA VILLAGE
KARTHIKAPPALLY TALUK,
ALAPPUZHA DISTRICT PIN 690516

BY STATE ATTORNEY SRI.P. VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 18-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:TRUE COPY OF THE MEDICAL REPORT OF THE
FIRST PETITIONER DATED 19.09.2014 ISSUED FROM
AMRITHA INSTITUTE OF MEDICAL SCIENCE AND
RESERCH CENTRE COCHIN

P2:TRUE COPY OF THE JUDGMENT DATED 25.02.2015
OF THE HONOURABLE MUNSIFF COURT HARIPAD IN
OS.210/2011

P3:TRUE COPY OF THE APPLICATION OF THE 1ST
PETITIONER DATED 10.02.2015 BEFORE THE
AGRICULTURE OFFICER

P3(A):ENGLISH TRANSLATION OF EXHIBIT P3

P4:TRUE COPY OF THE COMPLAINT DATED
09.03.2015 BEFORE THE FIRST RESPONDENT

P4(A):ENGLISH TRANSLATION OF EXHIBIT P4:

P5:ORIGINAL PHOTOGRAPHS SHOWING THE CRIMINAL
TRESS PASS AND DEMOLITION OF STUMPS IN THE
PROPERTY OF THE PETITIONER BY THE 5TH AND 6TH
RESPONDENTS WITH THEIR MEN

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

.....
W.P.C. No. 8600 of 2015
.....

Dated this the 18th day of March, 2015

JUDGMENT

Shaffique, J.

Petitioners have approached this Court seeking police protection, inter alia, contending that respondents 5 and 6 have trespassed into the property of the petitioners and threatened the petitioners and their workers while they were starting agricultural activities in their property having an extent of 1.75 acres. Petitioners have relied upon a judgment in O.S. 201 of 2011 dated 28-2-2015 by which the civil court has issued a permanent prohibitory injunction restraining respondents 5 and 6 from interfering with the possession of the property. It is submitted that despite the decree of injunction, respondents 5 and 6 are threatening the petitioner and preventing them from carrying out the agricultural activities.

2. Having regard to the aforesaid submission, we do

not think that this Court can interfere at this stage. If there is any violation of the order of permanent prohibitory injunction, it is always open for the petitioners to approach the civil court and seek execution of the decree. Police can interfere, only if there is any law and order situation. Under such circumstances, we do not intend to issue any orders as prayed for. We only observe that the police shall interfere if there is any law and order situation.

Accordingly this Writ Petition is dismissed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFFIQUE,
JUDGE

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P.S. to Judge