

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. 8642 of 2015 (E)

PETITIONER

THOMAS PANICKER AGED 62 YEARS
KALLARACKAL VEEDU, PUNNATHDAM, MKULAVANA

BY ADVS.SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENT(S) /RESPONDENTS:

1. CIRCLE INSPECTOR OF POLICE
KUNDARA POLICE STATION, KOLLAM- PIN - 691110

2. SUB INSPECTOR OF POLICE
KUNDARA POLICE STATION, KOLLAM, PIN - 691110

3. SASHIDHARAN,
CHETTIYARAZHIKATHE POIKAYIL, MELATHIL HOUSE
MULAVANA P O, KOLLAM - PIN - 691113

4. BALAKRISHNAN,
CHOTHI BHAVANAM, PUNNATADOM, MUKLAVANA P O
KOLLAM - PIN - 691113

5. BABU
AMAL BHAWAN, MULAVANA P O, KOLLAM PIN - 691113

6. ASHOKAN,CHETTIYARAZHIKATHE HOUSE,
MULAVANA P O, KOLLAM - PIN - 691113

7. SATHEESAN
CHETTIYARAZHIKATHE HOUSE, MULAVANA P O, KOLLAM
PIN - 691113

8. SATHYAN
CHETTIYARAZHIKATHE HOUSE, MULAVANA P O, KOLLAM -
PIN - 691113

BY GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR

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

WP(C).No. 8642 of 2015 (E)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:-TRUE COPY OF THE JUDGMENT IN OS NO 943
OF 97 DTD 13/12/2001

P2:-TRUE COPY OF THE ORDER DTD 15/12/2014 IN
IA NO 5548/2014

P3:-TRUE COPY OF THE COMPLAINT DTD 5/12/2012
FILED BEFORE THE 1ST RESPONDENT

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

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W.P.C. No. 8642 of 2015 – E
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Dated this the 18th day of March, 2015

JUDGMENT

Shaffique, J.

Petitioner has approached this Court seeking police protection, inter alia, contending that respondents 4 to 8 are preventing the him from entering into his property having an extent of 60 cents in Mulavana Village . Petitioner submits that earlier when there was an attempt to trespass, he had filed O.S. No. 943 of 1997 and the said suit has been decreed granting an injunction restraining the defendants and their men from entering into the property. Recently, there had been an attempt on the part of respondents 3 to 8 to trespass into the property of

the petitioner. He filed O.S. No. 1473 of 2014 before the Munsiff Court, Kollam and an interim injunction has been granted restraining respondents 3 to 8 from entering into the property and causing any damage or to create any new pathways in the property in question. It is submitted that while the interim injunction was pending, respondents 3 to 8 and their men had come to the property of the petitioner with deadly weapons and verbally abused and threatened him and he was forced to go back. He filed a complaint before the police. Since no action has been taken in the matter, he has approached this Court for police protection.

2. Having regard to the aforesaid factual situation, it is clear that the petitioner had already filed a suit as O.S. No. 1473/2014 in which an interim injunction has been granted. If there is any violation of the said order, the remedy of the petitioner is to approach the civil court. Police can interfere

only if there is any law and order situation. It shall always be open for the petitioner to approach the civil court and obtain an appropriate order.

3. In such circumstances, we do not think it is necessary to issue any order as prayed for. However, we only observe that if there is any law and order situation, on the complaint of the petitioner, the police shall see that the law and order is maintained.

With the above observation, this Writ Petition is closed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFFIQUE,
JUDGE

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