

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

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 9020 of 2015 (B)

PETITIONER(S) :-

RAIMOND MIRANDA, AGED 72 YEARS
S/O.JOHN MIRANDA, TC 34/868, MATHEW BHAVAN
VALLAKKADAVU PO, THIRUVANANTHAPURAM, PIN-695 008.

BY ADV. SRI.AJAYA KUMAR. G

RESPONDENT(S) :-

1. STATE OF KERALA REP. BY SECRETARY, HOME DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.
2. ASSISTANT COMMISSIONER OF POLICE, SHANGUMUGHAM
OFFICE OF THE ASSISTANT COMMISSIONER OF POLICE
SHANGUMUGHAM, THIRUVANANTHAPURAM.
3. SUB INSPECTOR OF POLICE, VALIYATHURA POLICE STATION,
VALIYATHURA, THIRUVANANTHAPURAM - 695 001.
4. TREESA, D/O.VALLOORIYAN, AGE NOT KNOWN, KARGO-CONVENT ROAD
VALIYATHOPPU, THIRUVANANTHAPURAM, PIN-695 008.
5. KOCHUMOL, D/O.TREESA, AGE NOT KNOWN, KARGO-CONVENT ROAD
VALIYATHOPPU, THIRUVANANTHAPURAM, PIN-695 008.
6. KOCHURANI, D/O.TREESA, AGE NOT KNOWN, KARGO-CONVENT ROAD
VALIYATHOPPU, THIRUVANANTHAPURAM, PIN-695 008.
7. VINU, AGE AND FATHERS NAME NOT KNOWN TO THE PETITIONER
KARGO-CONVENT ROAD, VALIYATHOPPU, THIRUVANANTHAPURAM
PIN-695 008.

R1 TO R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT P1 : TRUE COPY OF THE PETITION FILED BY THE PETITIONER AND HIS DAUGHTER TO THE REVENUE DIVISIONAL OFFICER.

EXT P2 : TRUE ENGLISH TRANSLATION OF EXT P1.

EXT P3 : TRUE COPY OF THE ORDER DATED 24-04-2013 OF THE SUB DIVISIONAL MAGISTRATE, THIRUVANANTHAPURAM.

EXT P4 : TRUE ENGLISH TRANSLATION OF EXT P3.

EXT P5 : TRUE COPY OF THE ORDER DATED 18-08-2014 IN MC 3/138/14.

EXT P6 : TRUE ENGLISH TRANSLATION OF EXT P5.

EXT P7 : PHOTOGRAPHS SHOWING THE OBSTRUCTION CAUSED BY RESPONDENTS 4 TO 7 IN FRONT OF PETITIONER'S GATE.

EXT P8 : TRUE COPY OF THE COMPLAINT DT.26-8-2014.

EXT P9 : TRUE ENGLISH TRANSLATION OF EXHIBIT P8.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.9020 of 2015

Dated this the 23rd day of March 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking police protection in the matter relating to enjoyment of his property. According to him, obstruction is being created by respondent Nos.4 to 7 in the matter relating to use of pathway, which is the only ingress and egress to his property. He had approached the Sub Divisional Magistrate and the Sub Divisional Magistrate had passed a conditional order directing respondents 4 to 6 to remove the obstruction caused by them. But, the obstruction still continues.

2. Learned State Attorney on instructions would submit that Ext.P9, the last complaint submitted by the petitioner on 26.8.2014, was enquired into by the police, both the parties were summoned to the police station and the private respondents were asked not to interfere with the use of pathway by the petitioner. Thereafter, no such complaint of law and order has been brought to the notice of the police.

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3. Having regard to the aforesaid factual situation, it is clear that after 26.8.2014, no untoward incident has been reported to the police. Though the petitioner alleges that still there is obstruction, unless the matter is brought to the notice by filing appropriate complaints, it is not possible for the police to take necessary action in the matter.

Under such circumstances, this writ petition is disposed of permitting the petitioner to approach the police by filing appropriate complaint if there is any obstruction to the use of pathway and law and order situation arises. In the event of any such complaint being filed by the petitioner, the police shall look into the matter and do the needful in accordance with law.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE