

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WP(C).No. 9970 of 2015 (U)

PETITIONER(S) :-

JACOB NINAN, AGED 47 YEARS

S/O.K.C.NINAN, KOTTACKAL HOUSE, JAWAHAR NAGAR.P.O
THIRUVANANTHAPURAM.

BY ADVS.SRI.B.VINOD

SRI.I.V.PRAMOD

RESPONDENT(S) :-

1. DISTRICT POLICE CHIEF,
(KOLLAM RURAL), KOTTARAKKARA-691 506.

2. THE SUB INSPECTOR OF POLICE,
PUNALUR POLICE STATION, PUNALUR-691 305.

3. RAJAN, S/O.KUNJUKUNJU
PROPRIETOR-RAJAH ROHINI HALL & KAVITHA HOTEL
PUNALUR TOWN, RESIDING AT KAVITHA BHAVAN
BHARANIKAVU WARD, PUNALUR MURI & VILLAGE-691 332.

R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 23-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

jvt

WP(C).No. 9970 of 2015 (U)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 : A TRUE PHOCOPY OF THE JUDGMENT IN RFA.365/2007 AND 366/2007 DATED 26/11/2014 BEFORE THE HIGH COURT OF KERALA AT ERNAKULAM.

EXT.P2 : A TRUE PHOTOCOPY OF THE C3 PLAN MENTIONED IN EXT.P1.

EXT.P3 : A TRUE PHOTOCOPY OF REPRESENTATION DATED 12/1/2015.

EXT.P4 : A TRUE COPY OF BUILDING PERMIT ISSUED BY PUNALUR MUNICIPALITY FOR CONSTRUCTION OF THE COMPOUND WALL IN SY. No.379/10A-2 DATED 28/10/2015.

EXT.P5 : A TRUE COPY OF THE APPROVED PLAN OF THE COMPOUND WALL IN SY.No.379/10A-2 ISSUED BY PUNALUR MUNICIPALITY DATED 27/10/2015.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.9970 of 2015

Dated this the 23rd day of November 2015

J U D G M E N T

Shaffique, J.

This writ petition is filed seeking for police protection alleging that despite a decree passed in O.S.No.97 of 1995 pending before the Sub Court, Kottarakkara, which ultimately ended in judgment dated 26.11.2014 in RFA No.365 of 2007 and connected case, the 3rd respondent is obstructing the construction of compound wall through the line that had been fixed as per the decree. Since the issue involved relates to a decree passed by the Civil Court, it is always open for the petitioner to approach the Civil Court for appropriate relief by filing an execution petition.

Under such circumstances, we do not think that any direction as sought for can be granted in this writ petition. Accordingly, the same is dismissed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

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