

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 10838 of 2015 (D)

PETITIONER:

**M.S.JAYAPRASAD, S/O.SREEDHARA PANICKER,
CHEMBILAVUNINNAVEEDU, KUZHIVILAKKONAM
KOTTUKKAL.P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.A.K.MADHAVAN UNNI

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
KANJIRAMKULAM, THIRUVANANTHAPURAM - 695 524.**
- 2. SUNANDA, W/O.MADHU, T.K.NIVAS, KNNARAVILA,
NELLIMOODU.P.O., NOW TEMPORARILY RESIDING AT
"SANKETHAM", KUZHUVILAKKONAM COLONY,
KOTTUKKAL.P.O., BALARAMAPURAM VIA,
THIRUVANANTHAPURAM DISTRICT - 695 501.**
- 3. OMANA, W/O.RAJAPPAN @ ALPHONS,
AGED ABOUT 53 YEARS, RESIDING AT
PONGUMMOODU, KATTAKKADA,
THIRUVANANTHAPURAM DISTRICT, TEMPORARILY
RESIDING AT "SANKETHAM", KUZHUVILAKKONAM COLONY,
KOTTUKKAL.P.O., BALARAMAPURAM VIA,
THIRUVANANTHAPURAM DISTRICT - 695 501.**
- 4. RAJAPPAN @ ALPHONS, AGED ABOUT 58 YEARS,
RESIDING AT PONGUMMOODU, KATTAKKADA,
THIRUVANANTHAPURAM DISTRICT, TEMPORARILY
RESIDING AT "SANKETHAM", KUZHUVILAKKONAM COLONY,
KOTTUKKAL.P.O., BALARAMAPURAM VIA,
THIRUVANANTHAPURAM DISTRICT - 695 501.**

R1 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 : A TRUE PHOTOSTAT COPY OF THE DECREE IN O.S.209/2003 PASSED BY THE 1ST ADDITIONAL MUNSIFF COURT NEYYATTINKARA WITH SKETCH.

EXHIBIT P2 : A TRUE PHOTOSTAT COPY OF THE JUDGMENT IN R.S.A. 758/2012 BY THE HONOURABLE HIGH COURT OF KERALA.

EXHIBIT P3 : A TRUE PHOTOSTAT COPY OF PETITIONER'S COMPLAINT TO THE 1ST RESPONDENT.

EXHIBIT P4 : TRANSLATION MALAYALAM TO ENGLISH OF THE PETITIONER'S COMPLAINT TO THE 1ST RESPONDENT.

EXHIBIT P5 : A TRUE PHOTOSTAT COPY OF THE POSTAL ACKNOWLEDGMENT IN RESPECT OF COMPLAINT.

RESPONDENT'S EXHIBITS: - **NIL**

/TRUE COPY/

P.S. TO JUDGE

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

W.P.C.No.10838 of 2015

Dated this the 1st day of April 2015

J U D G M E N T

Shaffique,J

Petitioner has approached this Court seeking police protection.

2. The petitioner is carrying on cultivation in the property covered by Ext.P1 decree. It is contended that despite the decree being passed in favour of the petitioner, respondents 2 to 4 are preventing him from enjoying the property and are threatening him. Though complaints were given to the police, no action has been taken in the matter.

3. Learned State Attorney, on instructions, would submit that on the basis of the complaint given by the petitioner, crime has been registered and the matter is pending investigation.

4. The learned counsel for the petitioner would submit that there is a threat to the life of the petitioner as well, other than enjoyment of property.

5. Having regard to the fact that police had already registered a crime, we do not think that the police is inactive in the matter. If any offence is committed or there is any attempt to commit offence, it is always open for the petitioner to file necessary complaint before the police who shall look into the matter and take appropriate action, in accordance with law.

With these observations, this writ petition is disposed of.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

