

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 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 11278 of 2015 (H)

PETITIONER(S):

- 1. P.P. RAJAGOPALAN, S/O.PADMANABHAN,
POZHINJAYIL HOUSE, CHERUVARNAM, VARANAM P.O,
THANNEERMUKKOM NORTH VILLAGE,
CHERTHALA, ALAPPUZHA DISTRICT.**
- 2. REMA DEVI, D/O.PADMANABHAN,
POZHINJAYIL HOUSE, CHERUVARNAM, VARANAM P.O,
THANNEERMUKKOM NORTH VILLAGE,
CHERTHALA, ALAPPUZHA DISTRICT.**
- 3. PRAVADA, D/O.PADMANABHAN, MULAKKAL HOUSE,
CHANDIROOR P.O, CHERTHALA, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.V.G.ARUN
SRI.T.R.HARIKUMAR**

RESPONDENT(S):

- 1. RADHAKRISHNAN, S/O.PADMANABHAN, PRESIDENT,
THATTAPARAMBU POZHINJAYIL KUDUMBA TRUST,
REG.NO.ALP/TC/244/13, VARANAM P.O,
THANNEERMUKKOM NORTH VILLAGE,
CHERTHALA TALUK, ALAPPUZHA DISTRICT - 688 555.**
- 2. SHAJI THOTTUCHIRAYIL, SECRETARY,
THATTAPARAMBU POZHINJAYIL KUDUMBA TRUST,
REG.NO.ALP/TC/244/13, VARANAM P.O,
THANNEERMUKKOM NORTH VILLAGE,
CHERTHALA TALUK, ALAPPUZHA DISTRICT - 688 555.**
- 3. V.T.KALADHARAN, S/O.THANKAPPAN, KRISHNALAYAM,
VARANAM P.O, THANNEERMUKKOM NORTH VILLAGE,
CHERTHALA TALUK, ALAPPUZHA DISTRICT. 688 555.**

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4. REMANI, W/O.RADHAKRISHNAN, KRISHNA NIVAS,
VARANAM P.O, THANNEERMUKKOM NORTH VILLAGE,
CHERTHALA TALUK, ALAPPUZHA DISTRICT. 688 555.
5. THE SUB INSPECTOR OF POLICE,
MUHAMMA POLICE STATION,
ALAPPUZHA DISTRICT - 688 525.
6. THE CIRCLE INSPECTOR OF POLICE,
MARARIKULAM, ALAPPUZHA DISTRICT - 688 549.
7. THE DEPUTY SUPERINTENDENT OF POLICE,
CHERTHALA, ALAPPUZHA DISTRICT - 688 524.
8. THE SUPERINTEDENT OF POLICE,
ALAPPUZHA DISTRICT - 688 001.

R5 TO R8 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1. A TRUE COPY OF THE PARTITION DEED NO.1604/02 DATED OF
PUTHANAMBALAM SUB REGISTRY.**
- EXT.P1(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P1.**
- EXHIBIT P2. A TRUE COPY OF THE RELEVANT PAGES OF THE MEMORANDUM OF
ASSOCIATION OF THE THATTAPARAMBU POZHINJAYIL KUDUMBA
TRUST DATED 12.06.13.**
- EXT.P2(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P2.**
- EXHIBIT P3. A TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY
THE REGISTRAR OF SOCIETIES TO THE THATTAPARAMBU
POZHINJAYIL KUDUMBA TRUST DATED 03.05.13.**
- EXT.P3(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P3.**
- EXHIBIT P4. A TRUE COPY OF THE INTERIM INJUNCTION ORDER DATED 27.05.13 IN
IA 1364/13 IN OS 291/13 OF THE MUNSIF COURT, CHERTHALA.**
- EXT.P4(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P4.**
- EXHIBIT P5. A TRUE COPY OF THE FIRST INFORMATION REPORT DATED 23.06.13
IN CRIME NO.383/13 OF THE MUHAMMA POLICE STATION ALONG WITH
STATEMENTS.**
- EXT.P5(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P5.**
- EXHIBIT P6. A TRUE COPY OF THE ORDER DATED 19.08.14 IN IA 3172/14 IN
OS 291/13 OF THE PRINCIPAL MUNSIF COURT, CHERTHALA.**
- EXHIBIT P7. A TRUE COPY OF THE ORDER DATED 04.02.15 IN IA 2883/14 IN
OS 489/14 OF THE PRINCIPAL MUNSIF COURT, CHERTHALA.**
- EXHIBIT P8. A TRUE COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF THE
5TH RESPONDENT DATED 08.02.15.**
- EXT.P8(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P8.**
- EXHIBIT P9. A TRUE COPY OF THE COMPLAINT FILED BY THE 1ST PETITIONER
BEFORE THE 7TH RESPONDENT DATED 09.02.15.**
- EXT.P9(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P9.**
- EXHIBIT P10. A TRUE COPY OF THE ORDER DATED 10.02.15 IN IA 645/14 IN OS 109/15
OF THE PRINCIPAL MUNSIF COURT, CHERTHALA.**

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EXHIBIT P11. A TRUE COPY OF THE FIRST INFORMATION REPORT DATED 12.02.15
IN CRIME NO.145/15 OF THE MUHAMMA POLICE STATION.

EXT.P11(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P11.

EXHIBIT P12. A TRUE COPY OF THE REPRESENTATION FILED BY THE
1ST PETITIONER BEFORE THE 7TH RESPONDENT DATED 24.02.15.

EXT.P12(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P12.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S.TO JUDGE

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

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W.P.C.No.11278 of 2015

Dated this the 3rd day of June 2015

J U D G M E N T

Shaffique,J

Petitioners have approached this Court alleging inaction on the part of the police in providing police protection despite the illegal acts being committed by respondents 1 to 4.

2. It is submitted that there are civil disputes between the parties and certain crimes have also been registered against the petitioners as well as the private respondents. According to the petitioners, during the pendency of the civil suits, respondents 1 to 3 and their men had tried to attack the petitioners and despite the fact that complaints have been given to the police, no action has been taken.

3. Learned Government Pleader, on instructions, would submit that Crime No.143/2015 has been registered against the petitioners which has been ultimately charge

sheeted. Similarly, crime No.145/2015 has been registered against the private respondents, which is also charge sheeted. Under such circumstances, it is clear that proper action has been taken by the police in regard to the alleged complaint.

4. Learned counsel for the petitioners, however, would submit that even after the registration of crime, still there is threat from the private respondents.

5. Police can interfere only if any offence is committed or there is any attempt to commit offence. In such an event, it is always open for the petitioner to approach police who shall look into the matter and take appropriate action, in accordance with law.

With the above observation, this writ petition is disposed of.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

