

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 12711 of 2015 (L)

PETITIONER:

**CHANDRASEKHARAN PILLAI @
CHANDRASEKHARAN NAIR,
S/O.PARAMESWARAN PILLAI, AGED 80 YEARS,
MUNDACKAPARAMBU HOUSE,
KULASEKHARAPURAM KARA, KADUTHURUTHY VILLAGE,
VAIKOM TALUK.**

BY ADV. SRI.P.C.HARIDAS

RESPONDENT(S):

- 1. STATE OF EKRALA,
REPRESENTED BY ITS SECRETARY TO THE
DEPARTMENT OF HOME AFFAIRS,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. SUPERINTENDENT OF POLICE,
KOTTAYAM - 686 001.**
- 3. SUB INSPECTOR OF POLICE,
KADUTHURUTHY, KOTTAYAM DISTRICT - 686 604.**
- 4. OMANAKUMARI, ASWATHI BHAVAN,
KULASEKHARAPURAM KARA,
KADUTHURUTHY VILLAGE, VAIKOM TALUK - 686 604.**
- 5. BALAKRISHNAN NAIR.V.K, ASWATHY BHAVAN,
KULASEKHARAPURAM KARA,
KADUTHURUTHY VILLAGE, VAIKOM TALUK - 686 604.**
- 6. A.B.RATHEESH, S/O.BALAKRISHNAN NAIR,
NANDANAM (ASWATHI BHAVAN) KULASEKHARAPURAM KARA,
KADUTHURUTHY VILLAGE, VAIKOM TALUK -686 604.**

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7. JISHA, W/O.A.B.RATHEESH,
NANDANAM (ASWATHI BHAVAN)
KULASEKHARAPURAM KARA,
KADUTHURUTHY VILLAGE,
VAIKOM TALUK - 686 604.
8. A.B.BINESH, S/O.BALAKRISHNAN NAIR,
ASWATHY BHAVAN, KULASEKHARAPURAM KARA,
KADUTHURUTHY VILLAGE, VAIKOM TALUK - 686 604.
9. M.R.SHINE KUMAR, MYALILPUTHEN PURA,
KULASEKHARAPURAM KARA,
KADUTHURUTHY VILLAGE, VAIKOM TALUK - 686 604.

R1 TO R3 BY SENIOR GOVT. PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1. TRUE COPY OF THE DECREE IN OS 363/03 OF MUNSIFF'S COURT,
VAIKOM.

EXHIBIT P2. TRUE COPY OF COMPROMISE FILED IN OS 363/03 OF MUNSIFF'S
COURT, VAIKOM.

EXHIBIT P3(2 IN NOS.) COPIES OF PHOTOGRAPHS.

EXHIBIT P4. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 12711 of 2015

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Dated this, the 23rd day of July, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the learned counsel for the petitioner and the learned Government Pleader.

2. By this writ petition, petitioner has prayed for a direction to provide adequate and effective police protection for him as well as to his property from interference of respondents 4 to 9. He has further prayed that respondents 1 to 3 be directed to provide protection to the petitioner for constructing the protective walls to the way provided to him as per Exts.P1 and P2 from the interference of respondents 4 to 9.

3. Learned Government Pleader after obtaining instructions submits that Exts.P1 and P2 are the decree and terms of compromise with the parties under which the right of way was to be used by the parties. He submits that respondents' contention is that by construction of protective wall or compound

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-:2:-

wall, this compromise will be varied. We are of the view that such issues cannot be entertained in the writ petition seeking police protection. It is for the petitioner to take such remedy as available before the competent civil court.

With the above observation, the writ petition is dismissed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge