

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE
&
THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

WP(C).No. 13537 of 2015 (N)

PETITIONER:

MATHEW N.V., AGED 45 YEARS
S/O.VARKEY, THADUTHOOTIL HOUSE, CHANAKAMPARA P.O.
ADAM PARA, KANNUR DISTRICT
NOW RESIDING AT NATUTHOTTIYIL HOUSE
KUNJAMA BANA ROAD, VYTTILA P.O., PIN - 682 019
ERNAKULAM DISTRICT.

BY ADV. SRI.M.A.SHIHAB

RESPONDENTS:-

1. STATE OF KERALA,
REPRESENTED BY SECRETARY, HOME DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. ASSISTANT POLICE COMMISSIONER OF POLICE,
THRIKKAKARA, ERNAKULAM DISTRICT - 682 021.
3. CIRCLE INSPECTOR OF POLICE,
KALAMASSERY POLICE STATION
ERNAKULAM DISTRICT - 683 104.
4. SUB INSPECTOR OF POLICE,
ELAMAKKARA POLICE STATION
ERNAKULAM DISTRICT - 682 026.
5. N.P.JOSEPH,, AGED 58 YEARS
S/O.PATHROSE, NERIYANKIL VEETTI, EDAPPALLY P.O.
PIN - 682 024, CHUTTUPADU KARA, EDAPALLY NORTH VILLAGE
ERNAKULAM DISTRICT.
6. BRITO JOSEPH @ MANU,
S/O.JOSEPH, NERIYANKIL VEETTI, EDAPPALLY P.O.
PIN - 682 024, CHUTTUPADU KARA, EDAPALLY NORTH VILLAGE
ERNAKULAM DISTRICT.
7. BETTY JOSEPH,, AGED 50 YEARS
W/O.JOSEPH, NERIYANKIL VEETTI, EDAPPALLY P.O.
PIN - 682 024, CHUTTUPADU KARA, EDAPALLY NORTH VILLAGE
ERNAKULAM DISTRICT.

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 13537 of 2015 (N)

APPENDIX

PETITIONER' EXHIBITS

EXHIBIT P1. THE TRUE COPY OF THE PLAINT FILED BEFORE THE HON'BLE
MUNSIFF COURT NUMBERED AS OS NO.1476/2014 WITH TRANSLATION.
EXHIBIT P2.THE TRUE COPY OF THE INJUNCTION ORDER PASSED BY THE HON'BLE
MUNSIFF COURT, WITH TRANSLATION.
EXHIBIT P3. THE TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE R5
BEFORE THE HON'BLE MUNSIFF'S COURT IN OS NO.1476/2014.
EXHIBIT P4. THE TRUE COPY OF THE COMPLAINT FILED BEFORE THE 2ND
RESPONDENT WITH TRANSLATION.
EXHIBIT P5. THE TRUE COPY OF THE RENT CONTROL PETITION FILED BY THE 5TH
RESPONDENT BEFORE THE HON'BLE RENT CONTROL COURT, ERNAKULAM NUMBERED AS
RCP NO.37/2015.

RESPONDENTS' EXHIBITS

NIL

(sd/-)

//true copy//

PA TO JUDGE

**A.M.SHAFFIQUE, J &
K.ABRAHAM MATHEW, J**

W.P.C.No.13537 of 2015

Dated this the 5th day of May 2015

J U D G M E N T

Shaffique,J

Petitioner has approached this Court seeking police protection. It is inter alia contended that he is the tenant of the building belonging to respondents 5 to 7 and when there was an attempt to forcibly evict him from the said property, he had obtained an order of injunction from the civil court. It is also submitted that respondents 5 to 7 are indulging in various criminal activities. It is submitted that though complaints have been filed, no action has been taken in the matter. Therefore the petitioner has approached this Court.

2. Having regard to the nature of order we intend to pass, no notice is being issued to respondents 5 to 7.

3. Petitioner has already obtained an order from the civil court and therefore the question of forcible eviction

does not arise. The complaint only discloses certain nuisance being caused by private respondents. Under these circumstances, the 2nd respondent is directed to consider Ext.P4 and take necessary action in accordance with the procedure prescribed.

With the above observation, this writ petition is closed.

(A.M.SHAFFIQUE, JUDGE)

(K.ABRAHAM MATHEW, JUDGE)

jsr

