

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 4TH DAY OF JUNE 2015/14TH JYASHTA, 1937

WP(C).No. 13670 of 2015 (G)

PETITIONER:

PAMARAJAN @ SOMARAJAN,
VETTATHURUTHIL VEETIL, PUTHUKUNDAM MURI,
KARTHIKAPALLY VILLAGE, KARTHIKAPALLY TALUK, ALAPPUZHA.

BY ADV. SRI.K.SUBASH CHANDRA BOSE.

RESPONDENTS:

1. DISTRICT SUPERINTENDENT OF POLICE,
ALAPPUZHA- 688 001.
2. THE CIRCLE INSPECTOR OF POLICE,
HARIPPAD, ALAPPUZHA -690 514.
3. THE SUB INSPECTOR OF POLICE,
THRIKKUNNAPPUZHA POLICE STATION,
KARTHIKAPALLY TALUK, ALAPPUZHA- 690 516.
4. CHANDRIKA,
D/O.PADMANABHAN, VETTATHURUTHIL VEETIL,
PUTHUKUNDAM MURI, KARTHIKAPALLY VILLAGE,
KARTHIKAPALLY TALUK, ALAPPUZHA- 690 516.
5. PRABHAKARAN,
S/O.KUTTIACHAN, VETTATHURUTHIL VEETIL,
PUTHUKUNDAM MURI, KARTHIKAPALLY VILLAGE,
KARTHIKAPALLY TALUK, ALAPPUZHA- 690 516.
6. PRASAD,
S/O.PRABHAKARAN, VETTATHURUTHIL VEETIL,
PUTHUKUNDAM MURI, KARTHIKAPALLY VILLAGE,
KARTHIKAPALLY TALUK, ALAPPUZHA- 690 516.
7. JIMMY V.KAIPPALLY,
S/O.VARGHESE KAIPPALLY, KAIPPALLIL VEETIL ,
PUTHUKUNDAM MURI, KARTHIKAPALLY VILLAGE,
KARTHIKAPALLY TALUK, ALAPPUZHA- 690 516.

R1 TO R3 BY SR. GOVT. PLEADER SRI.C.R. SYAM KUMAR.
R4 TO R6 BY ADVS. SRI.S.SANAL KUMAR,
SMT.BHAVANA VELAYUDHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:

P1:- TRUE COPY OF THE TAX RECEIPT DATED 10/05/2005.

P1(A):- TRUE TRANSLATION OF EXT P1.

P2:- TRUE COPY OF THE ORDER OF INJUNCTION DATED 09/04/2013 IN
IA NO. 555 OF 2013 IN OS NO. 96/2013 BEFORE THE MUNSIFFS COURT,
HARIPPAD.

P3:- TRUE COPY OF THE SKETCH PRODUCED BY THE COMMISSIONER IN
OS NO. 96/2013.

P4:- TRUE COPY OF THE PETITION SUBMITTED BEFORE THE 3RD RESPONDENT
DATED 14/12/2014.

P4(A):- TRUE ENGLISH TRANSLATION OF EXT P4.

P5:- TRUE COPY OF THE ORDER IN IA NO. 496 OF 2015 IN OS NO. 96/2013 BEFORE
THE MUNSIFFS COURT, HARIPPAD DATED 10/04/2015.

P6:- TRUE 3 PHOTOGRAPHS SHOWING BLOCKING OF ENTRY OF
AUTO RICKSHAW OF PETITIONER.

P7:- TRUE COPY OF THE PETITIN DATED 27/04/2015 AND THE
ACKNOWLEDGEMENT RECEIPT FOR THE SAME .

P7(A):- TRUE ENGLISH TRANSLATION OF EXT P7.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

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

*** * * * ***

W.P.C.No.13670 of 2015

Dated this the 4th day of June 2015

J U D G M E N T

Shaffique,J

Petitioner has approached this Court seeking police protection in the matter relating to usage of pathway which is involved in the civil litigation with respondents 4 to 6. It is stated that the petitioner had already filed a suit as O.S.No.96/2013 before the Munsiff Court, Harippad seeking for a declaration of easement right in respect of a pathway having a width of 1.5 meters and length of 14 meters running through the property and an interim injunction has been granted. Later, the defendants put up obstruction to the pathway and finally by order dated 10/04/2015 in I.A.No.496/2015 in the said suit, the learned Munsiff directed removal of the fence stone installed under the supervision of the Advocate Commissioner. Accordingly fence stone was removed and the pathway was cleared. However, still

respondents are causing obstruction and blocking the autorickshaw plying through the pathway. Petitioner therefore filed a complaint before the police. Since no action has been taken in the matter, he has approached this Court.

2. Learned counsel appearing on behalf of respondents 4 to 6 would submit that the petitioner has no right in respect of the said pathway as the petitioner has another easy access to the road. However, respondents do not intend to create any obstruction to the petitioner in using the said pathway during the pendency of the suit.

3. The learned Government Pleader, on instructions, would submit that the issue between the parties is with reference to the usage of the pathway.

4. Having regard to the fact that the matter is pending before the Civil court and the learned counsel appearing for respondents 4 to 6 has submitted that they do not intend to cause any obstruction to the pathway during

the pendency of the civil suit, we do not think that any direction, as sought for, need be issued. We only observe that 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 the above observation, this writ petition is disposed of.

(ASHOK BHUSHAN, CHIEF JUSTICE)

(A.M.SHAFFIQUE, JUDGE)

jsr

