

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 13744 of 2015 (P)

PETITIONERS :

1. M.M.MATHEW
S/O.MATHAI, MANAPURATH (H), THIRUVAMPADIAMSOM & DESOM
KOZHIKODE DISTRICT, NOW RESIDING NEAR PONNARIMANGALAM
HOSPITAL, C/O.HOUSE OWNER CHETTIPADATH KUNJAPPAN
MULAVUKAD P.O., ERNAKULAM DISTRICT, PIN - 682 504.
2. JIJI MATHEW, AGED 37 YEARS
D/O.M.M.MATHEW, MANAPURATH (H)
THIRUVAMPADI AMSOM & DESOM, KOZHIKODE DISTRICT
NOW RESIDING NEAR PONNARIMANGALAM HOSPITAL
C/O.HOUSE OWNER CHETTIPADATH KUNJAPPAN
MULAVUKAD P.O., ERNAKULAM DISTRICT, PIN - 682 504.

BY ADV. SRI.LIJOY P.VARGHESE

RESPONDENTS :

1. DISTRICT COLLECTOR
ERNAKULAM DISTRICT, PIN - 682 030.
2. COMMISSIONER OF POLICE,
ERNAKULAM DISTRICT, NEAR BOAT JETTY, PIN - 682 011.
3. SUB INSPECTOR OF POLICE,
MULAVUKAD P.S., ERNAKULAM DISTRICT, PIN - 682 504
4. T.S.KUNJAPPAN,, AGED 67 YEARS
CHETTIPADATH HOUSE, NEAR PONNARIMANGALAMHOSPITAL
MULAVUKADU P.O., WARD NO.7, KANAYANNUR TALUK
ERNAKULAM DISTRICT, PIN - 682 504.
5. KALYANI KUNJAPPAN,, AGED 65 YEARS
W/O.T.S.KUNJAPPAN, CHETTIPADATH HOUSE
NEAR PONNARIMANGALAM HOSPITAL, MULAVUKADU P.O.
WARD NO.7, KANAYANNUR TALUK, ERNAKULAM DISTRICT
PIN - 682 504.

6. SHIVAPRASAD,, AGED 43 YEARS
S/O.T.S.KUNJAPPAN, CHETTIPADATH HOUSE
NEAR PONNARIMANGALAM HOSPITAL, MULAVUKADU P.O.
WARD NO.7, KANAYANNUR TALUK, ERNAKULAM DISTRICT
PIN - 682 504.
7. ANITHAKUMARI SHIVAPRASAD,, AGED 39 YEARS
W/O.SHIVAPRASAD, CHETTIPADATH HOUSE
NEAR PONNARIMANGALAM HOSPITAL, MULAVUKADU P.O.
WARD NO.7, KANAYANNUR TALUK, ERNAKULAM DISTRICT
PIN - 682 504.
8. STATE OF KERALA,
REPRESENTED BY SECRETARY GO HOME DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.

R1 TO R3 & R8 BY SR. GOVERNMENT PLEADER, SRI.C.R. SYAMKUMAR.
R4 TO R7 BY ADV. SRI.N.C.SAJITH
SRI.JEEMON P.ABRAHAM
SRI.P.J.ANTONY JOSEPH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1. THE TRUE COPY OF THE ORDER IN W.P.(C)NO.19696/2013 BEFORE
THE HONOURABLE HIGH COURT OF KERALA.

EXHIBIT P2. THE TRUE COPY OF THE ORDER IN I.A.NO.2313/2014 IN
I.O.P.NO.1/2014 PENDING BEFORE THE HONOURABLE MUNSIFF'S
COURT AT ERNAKULAM.

EXHIBIT P3. THE TRUE COPY OF THE COMPLAINT DATED 04.05.2015 FILED BEFORE
THE DISTRICT COLLECTOR, ERNAKULAM.

EXHIBIT P4. THE TRUE COPY OF THE COMPLAINT DATED 28.04.2015 FILED BEFORE
THE CITY POLICE COMMISSIONER, ERNAKULAM.

EXHIBIT P5. THE TRUE COPY OF THE COMPLAINT DATED 27.04.2015 FILED BEFORE
THE SUB INSPECTOR OF POLICE, MULAVUKAD, ERNAKULAM.

EXHIBIT P6. THE TRUE COPY OF THE PART OF THE CHIEF AFFIDAVIT FILED BY THE
1ST PETITIONER.

RESPONDENTS' EXHIBITS :

EXT.R4(A) : TRUE COPY OF THE COMPLAINT FILED BEFORE THE COMMISSIONER
OF POLICE ERNAKULAM DATED 16.04.2015, WITH ENGLISH
TRANSLATION.

EXT.R4(B) : TRUE COPY OF THE COMPLAINT FILED BEFORE THE DISTRICT
COLLECTOR ERNAKULAM DATED 16.04.2015, WITH ENGLISH
TRANSLATION.

EXT.R4((C) : TRUE COPY OF THE COMPLAINT FILED BEFORE THE KERALA SCHEDULE
CASTE/SCHEDULE TRIBE COMMISSION,TRIVANDRUM
DATED 18.05.2015, WITH ENGLISH TRANSLATION.

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No.13744 of 2015

Dated this the 10th day of July 2015

J U D G M E N T

Shaffique, J

The petitioners have approached this Court seeking police protection inter alia alleging that respondents 4 to 7 and their relatives, at the instance of the police, are creating nuisance to the petitioners and not permitting the petitioners to peacefully live in the tenanted premises. It is submitted that the petitioners had to flee from Kozhikode on account of certain issues relating to the property and now, they are residing in the tenanted premises of the 4th respondent. When there was threat of eviction, the petitioners had filed a suit and there is an interim injunction restraining the landlord from forcibly evicting the petitioners. Still, according to the learned counsel for the petitioners, substantial inconvenience are being caused by the private respondents and their relatives and therefore, unless proper protection is granted in the matter, they will not be in a position to live peacefully.

2. Learned Government Pleader on instructions would submit that the petitioners had to flee from Kozhikode on account

of certain warrants pending against them in criminal cases. Every now and then, when they are at Ernakulam, they used to call the police and when the police reaches there, it is understood that the call was only based on some apprehension and no untoward incident would have happened. Further, it is submitted that they have already filed a police protection matter earlier, which was rejected with the observation that whenever there is a complaint, the police has to take appropriate action to redress the grievance. It is submitted that every now and then police are being called by the petitioners without any reason as well.

3. Learned counsel appearing for respondents 4 to 7 submits that they have not called upon the petitioners to surrender possession of the premises at any point of time and they have not issued any notice. They have no intention to forcibly evict the petitioners from the said premises. However, without any provocation, the suit has been filed for injunction. Learned counsel submits that the allegations are purely baseless and unnecessary complaints are being filed against them.

4. Having regard to the aforesaid factual situation, we do not think that the petitioners are entitled for any police protection as prayed in the writ petition. The police can interfere in the

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matter, only if there is any offence committed or attempt to commit offence. No such situation has arisen so far and no untoward incident has been reported.

Accordingly, this writ petition is dismissed.

Sd/-

**ASHOK BHUSHAN
CHIEF JUSTICE**

sd/-

**A.M. SHAFFIQUE
JUDGE**

Jvt