

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 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).No. 14501 of 2015 (K)

PETITIONER:

RAJAGOPALAN NAIR
S/O.GOPALAN NAIR, MADATHUVILAKATHU HOUSE, VAYYAMoola
VALLAKKADAVU.P.O., THIRUVANANTHAPURAM.

BY ADVS.SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENTS:

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1. SUB INSPECTOR OF POLICE,VALIYATHURA
VALIYATHURA, THIRUVANANTHAPURAM.
 2. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM.695 001.
 3. C.SUSEELA DEVI
W/O.BALACHANDRAN NAIR, 'ROSHINI', VAYYAMoola
VALLAKKADAVU.P.O., THIRUVANANTHAPURAM.

R3 BY ADV. SRI.G.P.SHINOD
R3 BY ADV. SRI.RAM MOHAN.G.
R3 BY ADV. SRI.MANU V.
R3 BY ADV. SRI.GOVIND PADMANAABHAN
R3 BY ADV. SRI.AJIT G.ANJARLEKAR
BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 14501 of 2015 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1- TRUE COPY OF THE ORDER DATED 20.3.2015 IN I.A.NO.2285/2015 IN O.S.548/2015.

P2- TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE S.I OF POLICE DATED 18.4.2015 ALONG WITH ENGLISH TRANSLATION.

P3- TRUE COPY OF THE COMPLAINT DATED 6.5.2015 SUBMITTED BY THE PETITIONER BEFORE THE POLICE ALONG WITH ENGLISH TRANSLATION.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.14501 of 2015

Dated this the 30th day of July 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking police protection. It is alleged that the petitioner has already filed a suit O.S.No.548 of 2015 before the Munsiff Court, Thiruvananthapuram seeking an injunction against the 3rd respondent on the allegation that 3rd respondent was causing obstruction to use the B Schedule pathway, reducing its width or deforming the same. In an application for interim injunction, learned Munsiff had passed an order of status quo. Petitioner submits that on account of the obstruction being created by the 3rd respondent, he is unable to move the car which is parked in his premises. It is submitted by the learned counsel for the petitioner that huge stones are kept across the pathway to prevent the petitioner from removing his car from the said premises.

2. Learned counsel appearing for the 3rd respondent submits that an order of status quo has already been passed by the Munsiff Court and the petitioner had deliberately brought the car into the said area. Further, an Advocate Commissioner is already deputed, and the matter is pending consideration before the learned Munsiff Court.

3. Having regard to the aforesaid factual situation, we do not think that we will be justified in interfering with the civil dispute between the parties. There is no law and order situation which necessitates a direction, as sought for. It is always open for the parties to approach the Civil Court for appropriate orders.

With the above observation, this writ petition is closed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr