

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 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

WP(C).No. 14958 of 2015 (T)

PETITIONER(S) :-

1. SUDHIKSHANA, W/O.SEKHARA PILLAI
THOTTUVAPARAMBIL HOUSE, KANJIRAPPALLY VILLAGE
KAPPAD P.O, KANJIRAPPALLY, PIN-686 508.
2. P.G. SEKHARA PILLAI, AGED 70 YEARS, S/O.GOPALA PILLAI
THOTTUVAPARAMBIL HOUSE, KANJIRAPPALLY VILLAGE
KAPPAD P.O, KANJIRAPPALLY, PIN-686 508.

BY ADV. SRI.M.NARENDRA KUMAR

RESPONDENT(S) :-

1. STATE OF KERALA
REP. BY THE SECRETARY TO THE GOVT., HOME DEPARTMENT
GOVT. SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.
2. THE DISTRICT POLICE CHIEF
OFFICE OF THE DISTRICT POLICE CHIEF, KOTTAYAM- 686 001.
3. THE SUB INSPECTOR OF POLICE
KANJIRAPPALLY POLICE STATION, KOTTAYAM DISTRICT-686 508.
4. SIBU DEVASSIA
KUNNEL PARAMBIL HOUSE, KAPPADU P.O, KANJIRAPPALLY
KOTTAYAM DISTRICT, PIN-686 508.
5. N.D. THOMAS
NEERIYANIEKAL HOUSE, KAPPADU P.O, KANJIRAPPALLY
KOTTAYAM DISTRICT, PIN-686 508.
6. V.N. RAJESH
VALIAPARAMBIL HOUSE, ANAKKATHU P.O., KANJIRAPPALLY
KOTTAYAM DISTRICT, PIN-686 508.

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7. NELSON JOSEPH
NEERIYANIEKAL HOUSE, KAPPADU P.O, KANJIRAPPALLY
KOTTAYAM DISTRICT, PIN-686 508.

8. V.N. CHELLAPPAN
VADAKKEDATHU VEEDU, KAPPADU P.O, KANJIRAPPALLY
KOTTAYAM DISTRICT, PIN-686 508.

R1 TO R3 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

WP(C).No. 14958 of 2015 (T)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 - THE TRUE COPY OF THE DECREE IN OS NO.278/2010 IN THE COURT OF MUNSIF KANJIRAPPALLY AND ENGLISH TRANSLATION OF MALAYALAM PORTION.

EXT.P2 - THE TRUE COPY OF THE PLAN EXHIBIT C3(a) MENTIONED IN EXHIBIT P1 ENGLISH TRANSLATION OF EXHIBIT P2.

EXT.P3 - THE TRUE COPY OF THE DELIVERY KYCHIT DATED 28/1/2013. ENGLISH TRANSLATION OF EXHIBIT P3.

EXT.P4 - THE TRUE COPY OF THE PHOTOGRAPH OF THE FENCING.

EXT.P5 - THE TRUE COPY OF THE JUDGMENT IN WPC.NO.12814/2013 DATED 09.07.2013.

EXT.P6 -THE TRUE COPY OF THE PHOTOGRAPH OF THE FENCING BY UPROOTING THE CONCRETE STONE.

EXT.P7 - THE TRUE COPY OF THE CMP NO.3134/13 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE KANJIRAPPALLY. ENGLISH TRNASLAITON OF EXHIBIT P7.

EXT.P8 - THE TRUE COPY OF THE PROTEST COMPLAINT DATED 16/9/2014 IN CMP NO.7753/2014 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE KANJIRAPPALLY. ENGLISH TRANSLATION OF EXHIBIT P8.

EXT.P9 - THE TRUE COPY OF THE PETITION DATED 29.4.2015 REQUESTED THE 3RD RESPONDENT TO AFFORD PROTECTION TO PRESERVE THE PROPERTIES AND LIFE
ENGLISH TRANSLATION OF EXHIBIT P9.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.S. TO JUDGE

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

W.P(C).No. 14958 of 2015

Dated this the 22nd May, 2015

JUDGMENT

Ashok Bhushan, CJ.

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

2. The petitioners have approached this Court seeking the following reliefs:

- “i) Issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents 1 to 3 to render necessary police protection to the life and property of the petitioners and their family members, against the threat and the illegal act of the respondents 4 to 8, in the interest of justice.*
- ii) Issue a writ of mandamus or other appropriate writ, order or direction commanding respondents 1 to 3 to give police protection to implement the decree*

and delivery in execution of the decree in O.S.No.278/2010 in the Court of Munsiff, Kanjirappally.”

3. According to the materials on record, the decree passed in O.S.No.278/2010 has already been executed. The petitioners' grievance is that although he obtained delivery of possession on 28.1.2013 and fencing was also put up, the party respondents destroyed the same on 27.3.2013.

4. The learned Government Pleader, on instructions, submitted that with regard to the above incident, private complaint was filed before the Magistrate, which was forwarded to the Police authorities, who enquired the same and submitted a final report. The petitioners have filed Exhibit P9 complaint dated 29.4.2015, which only refers to destroying of the fencing on 27.3.2013. No incident or any fact has been alleged thereafter so as to require the entertainment of this Writ Petition for police protection.

5. The complaint dated 29.4.2014 only referred to the incident on 27.3.2013, which was already enquired and final report has been submitted. Thus, we do not find any reason to entertain the Writ Petition. We only observe that in the event of any offence or attempt of offence is committed against the petitioner, person or property, it is always open for the petitioners to file appropriate complaint before the Police.

With the above observation, the Writ Petition is closed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M.SHAFIQUE
JUDGE**

vgs22/5/15