

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 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 15758 of 2015 (T)

PETITIONERS :

- 1. VIKAS N.BANDA, AGED 35 YEARS,
S/O.J.NARENDRA KUMAR, CC 66/894-B-B1
KRISHNASSAMY ROAD (EAST END) NOW RESIDING AT 8B
RATAN APARTMENTS, BEHIND TD TEMPLE,
ERNAKULAM KOCHI 682 035.**
- 2. VIKRAM N.BANDA, AGED 35 YEARS,
S/O.J.NARENDRA KUMAR, CC 66/894-B-B1,
KRISHNASWAMY ROAD (EAST END)
ERNAKULAM, KOCHI - 682035, NOW RESIDING AT
T1-KAUSHIKAM APARTMENTS, VEEKSHANAM ROAD, ,
ERNAKULAM KOCHI 682 035.**

**BY ADVS.SRI.S.EASWARAN
SRI.P.MURALEEDHARAN (IRIMPANAM)
SRI.M.A.AUGUSTINE**

RESPONDENTS :

- 1. THE DEPUTY COMMISSIONER OF POLICE,
ERNAKULAM, KOCHI 682 011.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
CENTRAL POLICE STATION, ERNAKULAM, KOCHI 682 031.**
- 3. M.M.IBRAHIM @ IBRAHIM KUTTY, AGED 69 YEARS,
S/O.MANAYIL MOOSA, BUSINESS, CC 66/895
RESIDING AT MANAYIL HOUSE,
KRISHNASWAMY ROAD (EAST END) ERNAKULAM,
ERNAKULAM VILLAGE, KANAYANNUR TALUK, KOCHI 682 035.**
- 4. C.M.BEEMA, AGED ABOUT 60 YEARS,
W/O.IBRAHIMKUTTY, CC 66/895, RESIDING AT MANAYIL HOUSE,
KRISHNASWAMY ROAD (EAST END) ERNAKULAM,
ERNAKULAM VILLAGE, KANAYANNUR TALUK, KOCHI 682 035.**

- 5. IQBAL I.M., AGED ABOUT 35 YEARS,
S/O.IBRAHIMKUTTY, CC 66/895, RESIDING AT MANAYIL HOUSE,
KRISHNASWAMY ROAD (EAST END) ERNAKULAM
ERNAKULAM VILLAGE, KANAYANNUR TALUK, KOCHI 682 035.**
- 6. M.M.SIDDIK, S/O.MANAYIL MOOSA, CC 66/895
AGED ABOUT 60 YEARS, RESIDING AT MANAYIL HOUSE
KRISHNASWAMY ROAD (EAST END) ERNAKULAM,
ERNAKULAM VILLAGE, KANAYANNUR TALUK, KOCHI 682 035.**
- 7. M.M.SADIK ALIAS SIDIK, AGED ABOUT 58 YEARS,
S/O.MANAYIL MOOSA, RESIDING AT MANAYIL HOUSE
KRISHNASWAMY ROAD (EAST END) ERNAKULAM
ERNAKULAM VILLAGE, KANAYANNUR TALUK, KOCHI 682 035.**
- 8. M.M.MUHAMMED ALI ALIAS MAMMALI, AGED ABOUT 56 YEARS,
S/O.MANAYIL MOOSA, RESIDING AT MANAYIL HOUSE,
KRISHNASWAMY ROAD (EAST END) ERNAKULAM
ERNAKULAM VILLAGE, KANAYANNUR TALUK, KOCHI 682 035.**
- 9. M.M.KARIM, AGED ABOUT 66 YEARS,
S/O.MANAYIL MOOSA, RESIDING AT MANAYIL HOUSE,
KRISHNASWAMY ROAD (EAST END) ERNAKULAM
ERNAKULAM VILLAGE, KANAYANNUR TALUK, KOCHI 682 035.**
- 10. ASMA KARIM, AGED 52 YEARS,
W/O.M.M.KARIM, RESIDING AT MANAYIL HOUSE
KRISHNASWAMY ROAD (EAST END) ERNAKULAM
ERNAKULAM VILLAGE, KANAYANNUR TALUK, KOCHI 682 035.**

R1 & R2 BY SENIOR GOVERNMENT PLEADER SRI. C.R. SUNIL KUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: COPY OF THE COMPLAINT DATED 6TH NOVEMBER 2014 SUBMITTED BY THE 2ND PETITIONER BEFORE THE SUB INSPECTOR OF POLICE, CENTRAL POLICE STATION, ERNAKULAM.
- EXHIBIT P2: COPY OF THE PLAINT IN OS 459 OF 2015 DATED 30TH MARCH 2015.
- EXHIBIT P3: COPY OF APPLICATION FOR TEMPORARY INJUNCTION ALONG WITH THE AFFIDAVIT IN SUPPORT OF THE APPLICATION.
- EXHIBIT P4: COPY OF THE ORDER OF TEMPORARY INJUNCTION DATED 31.5.15 IN IA 3007 OF 2015 IN OS 459 OF 2015.
- EXHIBIT P5: COPY OF PETITION DATED 6.4.15 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT WITH COPY TO THE 2ND RESPONDENT.
- EXHIBIT P6: COPY OF PETITION DATED 24.5.15 UNDER ORDER 39 RULE 2A OF THE CODE OF CIVIL PROCEDURE 1908 FILED BY THE PETITIONERS IN OS 459 OF 2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

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

W.P.C.No.15758 of 2015

Dated this the 28th day of May 2015

J U D G M E N T

Ashok Bhushan, CJ

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

2. This writ petition is filed seeking for a direction to respondents 1 and 2 to afford adequate police protection to the petitioners, their family members and their employees to complete the remaining work towards their residential-cum-commercial building in Survey No.2723/1 and 2723/2 without any obstruction from respondents 3 to 10.

3. Petitioners have already filed O.S.No.459/2015 in which respondents 3 to 10 are defendants. Interim injunction is also said to have been passed as evident from Ext.P4, which is alleged to be violated. The dispute between the parties is with regard to the boundaries of pathway at

the end of which the respondents have their houses. The issues having been taken up before the Civil court, we are of the view that it is open for the petitioner to obtain appropriate orders in the pending civil suits.

This writ petition need not be entertained and hence closed.

(ASHOK BHUSHAN, CHIEF JUSTICE)

(A.M.SHAFFIQUE, JUDGE)

jsr

