

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 JYAISHTA, 1937

WP(C).No. 16432 of 2015 (D)

PETITIONER :

THOMAS T.T., AGED 76 YEARS
SON OF T.V.THOMAS, THAZHE MANNIL GRACE BHAVAN
KOONAMKUZHI, PUNALUR P.O., KOLLAM DISTRICT.

BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANALA)

RESPONDENTS :

1. THE STATE POLICE CHIEF
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM-695 010.
2. THE DISTRICT POLICE CHIEF (KOLLAM RURAL)
OFFICE OF THE DISTRICT POLICE CHIEF, KOTTARAKKARA
KOLLAM DISTRICT, PIN. 691 506.
3. THE SUB INSPECTOR OF POLICE
PUNALUR, KOLLAM, PIN. 691 305.
4. FATHER MATHEW MAROTTIMOOTTIL
PARISH PRIEST, ST.JOSEPHS MALANGARA CATHOLIC CHURCH
PANANGADU, PUNALUR P.O., PIN. 691 305.
5. BAIJU MATHEW
PARAKKULATHU VEEDU, KANIRAMALA, PPM P.O.
PUNALUR, PIN. 691 305.
6. REJI YOHANNAN
KANGIRAMALA PUTHEN VEEDU, PAPPER MILL, PUNALUR
PIN. 691 305.
7. FRANCIS KATTOOR
SON OF THOMAS, KATTOOR THUNDIL, BHARANIKAVU
PUNALUR P.O, PIN. 691 305.

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8. SUNITHA FRANCIS
WIFE OF FRANCIS RESIDING AT KATTOOR THUNDIL
BHARANIKAVU, PUNALUR P.O., PIN. 691 305.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16432 of 2015 (D)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 - A TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE
THE JUDICIAL FIRST CLASS MAGISTRATE COURT III, PUNALUR.

P1(A) - A TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P1 COMPLAINT.

EXT.P2 - A TRUE COPY OF THE COMPLAINT DATED 08.05.2015 SUBMITTED BY THE
PETITIONER BEFORE THE SECOND RESPONDENT.

EXT.P2(A) - A TRUE ENGLISH TRANSLATION OF EXHIBIT P2 COMPLAINT SUBMITTED
BY THE PETITIONER BEFORE THE SECOND RESPONDENT.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P(C).No.16432 of 2015

Dated this the 4th June, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 4 to 8, in view of the order, which is being passed.

2. The petitioner has prayed for a mandamus commanding the second and third respondents to afford protection to the petitioner and his family members while attending the daily mass and Sunday Service in St.Josephs Malangara Catholic Church, Panangadu, Punalur from the threat of violence from respondents 5 to 8.

3. From the facts stated in the Writ Petition, it does appear that the dispute between the parties is with regard to Arch Diocese Parish Council and its membership. The

learned Government Pleader has also pointed out that the petitioner has filed a complaint before the Judicial First Class Magistrate Court being CMP.2800 of 2015. Learned counsel for the petitioner submits that he is being obstructed in offering prayer in the Church.

In view of the above facts of the case, we are of the view that it is open for the petitioner to seek appropriate relief from the competent Civil Court. Present is not a case for granting any police protection. The Writ Petition is closed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFIQUE
JUDGE**

vgs4/6/15