

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C).No. 20330 of 2013 (M)

PETITIONER:

**SACHITHANANDAN NAIR,
S/O KUTTAN PILLAI,
MANGATTU HOUSE, THIRUVALLOM P.O.
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.K.B.PRADEEP
SRI.ASHOK SURESH**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE HOME SECRETARY,
GOVERNMENT OF KERALA, THIRUVANANTHAURAM-695 001.**
- 2. THE COMMISSIONER OF POLICE,
THIRUVANANTHAPURAM-695 001.**
- 3. KRISHNANASHARI,
S/O CHELLAPPANASHARI, MAVUVILAVEEDU, AMBEDKAR
GRAMAM, PANANGODE, VENGANOOR P.O.
THIRUVANANTHAPURAM-695 004.**
- 4. UDAYATHAMPI,
S/O KRISHNASHARI, MAVUVILAVEEDU, AMBEDKAR
GRAMAM, PANANGODE, VENGANOOR P.O.,
THIRUVANANTHAPURAM-695 004.**

**R1 & 2 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R4 BY ADVS. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.N.K.SUBRAMANIAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE ORDER DATED 30.9.2003 IN RCP 84/2002 OF THE RENT CONTROL COURT, THIRUVANANTHAPURAM.

EXHIBIT P2: TRUE COPY OF THE DELIVERY REPORT DATED 26.5.2008 FILED BY THE AMIN BEFORE THE EXECUTION COURT.

EXHIBIT P3: TRUE COPY OF THE COMPLAINT DATED 19.6.2013.

RESPONDENT(S)' EXHIBITS

EXHIBIT R4(A): TRUE COPY OF GIFT DEED NO.1102/83 DATED 27/5/83

EXHIBIT R4(B): TRUE COPY OF INTERIM ORDER DATED 20/8/2009

EXHIBIT R4(C): TRUE COPY OF PAPER REPORT IN MATHRUBHUMI DAILY DATED 8/8/13

EXHIBIT R4(D): TRUE COPY OF ACKNOWLEDGMENT OF RECEIPT OF MONEY BY THE PETITIONER

EXHIBIT R4(E): TRUE COPY OF PAPER REPORT IN KERALA KOUKUDY DAILY DATED 28/5/10

EXHIBIT R4(F): RUE COPY OF REQUEST FOR THE JUDICIAL CUSTODY OF THE ACCUSED INCLUDING THE PETITIONER (3RD ACCUSED) IN CRIME NO.321/10, BOOKED UNDER THE MONEY LENDERS ACT

EXHIBIT R4(G): TRUE COPY OF FIR DASTED 24/7/2005 AGAINST THE PETITIONER AND TWO OTHERS.

EXHIBIT R4(H): TRUE COPY OF COMPLAINT DATED 11/7/2005 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE NEDUMANGAD.

/ TRUE COPY /

P.S. TO JUDGE

PJ

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

W.P(C). No. 20330 of 2013

Dated this the 1st day of December, 2015

JUDGMENT

Shaffique, J

Petitioner had approached this Court seeking for police protection. It is alleged that he had already obtained eviction of property from the respondents 3 and 4 by executing the order in RCP.No.84 of 2002. It is stated that respondents 3 and 4 are now attempting to trespass into the property and has even constructed a makeshift tent. Their attempt is to reside in the said premises.

2. Learned Government Pleader submits that during the pendency of the writ petition, no untoward incident has been reported.

Hence we close the writ petition with liberty to the petitioner to approach the police, if there is any further cause of action.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE