

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 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

WP(C).No. 18439 of 2015 (D)

PETITIONER(S) :

MANIYAMMA AGED 50 YEARS
THOTTUNGAL VEETIL , 15/232 MUTTATHIPARAMBIL P.O
THANNERMUKKAM, CHERTHALA

BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL

RESPONDENT(S) :

1. DISTRICT POLICE CHIEF
DISTRICT POLICE CHIEF, DISTRICT POLICE CHIEF OFFICE
ALAPPUZHA PIN 695 001

2. INSPECTOR OF POLICE
CIRCLE OFFICE, MARARIKULAM

3. SUB INSPECTOR OF POLICE,
MUHAMMA POLICE STATION, MUHAMMA 695 002

4. M VARKEY
S/O.MATHEW, THOTTUNGAL VEETIL, SREEKANDAMANGALAM MURI
MUTTATHIPARAMBIL P.O, THANEERMUKKAM
CHERTHALA PIN 688 521

5. LALI @ MOLLY
W/O.VARKEY, THOTTUNGAL VEETIL, SREEKANDAMANGALAM MURI
MUTTATHIPARAMBIL P.O, 'THANEERMUKKAM
CHERTHALA 685 521

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 18439 of 2015 (D)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 COPY OF THE ORDER IN IA NO 1939/2012 IN O.S NO 353/12 OF
THE MUNSIFF'S COURT CHERTHALA

EXHIBIT P2 COPY OF THE INTERIM ORDER IN IA NO 1884/2015 IN OS NO
354/2015

EXHIBIT P2(A) COPY OF TRANSLATION OF EXHIBIT P2

EXHIBIT P3 COPY OF THE ACKNOWLEDGMENT OF THE COMPLAINT FILED BY THE
PETITIONER BEFORE THE RESPONDENT

EXHIBIT P3(A) COPY OF TRANSLATION OF EXBT P-3

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No. 18439 of 2015

Dated this the 19th June, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking Police protection, inter alia contending that the petitioner is a tenant of the building and there was attempt on the side of the landlord, the fourth respondent to evict the petitioner from the said building. The petitioner obtained an interim order of injunction by filing O.S.No.353/2012. According to the petitioner, the said suit was later compromised. Subsequently, when attempts were made to evict the petitioner, she filed O.S.No.354/2015 against the forcible eviction and an interim order has been passed in I.A.No.1884/2015, which is produced as Exhibit P2. According to the petitioner, on knowing about the injunction order, the fourth respondent and his men

trespassed into the property and locked the building with another lock. Though the petitioner had given a complaint before the Police, no action was taken in that regard and therefore, the petitioner has approached this Court. The petitioner has preferred a petition before the Judicial Magistrate of First Class, Cherthala, which is also pending.

2. The learned Government Pleader, on instructions, would submit that the petitioner had approached the Police for taking possession of the building. She was involved in a few cases and she was remanded for some time. In the meantime, the landlord had taken over possession of the building and it appears that the intention of the petitioner is to get police protection to get back the possession of the building.

3. Having regard to the fact that the petitioner had already approached the Civil Court and the Civil Court has passed an interim injunction, if the order of the Civil Court is to be enforced, the Civil Court has to pass appropriate orders. For the said reason, we do not think that this Court

can interfere and pass any orders in this Police protection matter. Reserving liberty to the petitioner to approach the Civil Court for appropriate orders, this Writ Petition is dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFIQUE
JUDGE**

vgs19/6/15