

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 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 18619 of 2015 (B)

PETITIONER :

LALITHAMMAL, AGED 40 YEARS
D/O.SUKUMARAN ACHARI, KOTTARATHIL PADEETHATHIL
CHERUKOLE P.O., MAVELIKARA, ALAPPUZHA DISTRICT.

BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN
SRI.ARUN BOSE

RESPONDENTS :

1. THE DISTRICT POLICE CHIEF
PATHANAMTHITTA DISTRICT, PATHANAMTHITTA, PIN - 689 645.
2. THE DEPUTY SUPERINTENDENT OF POLICE
ADOOR, ADOOR P.O., PATHANAMTHITTA DISTRICT, PIN - 691 523.
3. THE CIRCLE INSPECTOR OF POLICE
PANDALAM, PATHANAMTHITTA DISTRICT, PIN - 689 501.
4. THE SUB INSPECTOR OF POLICE
PANDALAM POLICE STATION, PANDALAM P.O., PIN - 689 501.
5. BINDU PRATHEESH, AGED 35 YEARS
JANAKI SADANAM, KAIPUZHA NORTH P.O., KULANADA
PATHANAMTHITTA DISTRICT, PIN - 689 503.
6. LAKSHMI RAJAN, AGED 38 YEARS
JANAKI SADANAM, KAIPUZHA NORTH P.O., KULANADA
PATHANAMTHITTA DISTRICT, PIN - 689 503.

R1 TO R4 BY SR.GOVERNMENT PLEADER, SRI. C.R. SYAM KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 18619 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1. TRUE COPY OF THE TAX RECEIPT DATED 23.08.2014 AND ITS TRUE ENGLISH TRANSLATION.

EXHIBIT P2. TRUE COPY OF THE POSSESSION CERTIFICATE DATED 19.09.2014 ISSUED BY THE VILLAGE OFFICER, MEZHUVELI AND ITS TRUE ENGLISH TRANSLATION.

EXHIBIT P3. TRUE COPY OF THE RELEVANT PAGES OF PLAINT IN O.S.NO.572/2014 FILED BEFORE THE HON'BLE MUNSIFF COURT AT PATHANAMTHITTA.

EXHIBIT P4. TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER HEREIN IN I.A.NO.2476/2014 ON THE FILES OF THE HON'BLE MUNSIFF COURT AT PATHANAMTHITTA.

EXHIBIT P5. TRUE COPY OF THE COMPLAINT DATED 05.03.2015 ALONG WITH ITS TRUE ENGLISH TRANSLATIONS.

EXHIBIT P6. TRUE COPY OF THE INJUNCTION ORDER DT.05.11.2014 IN I.A. No.2476/2014 IN O.S. No.512/2015 OF THE HON'BLE MUNISFF COURT AT PATHANAMTHITTA.

EXHIBIT P7. CERTIFIED COPY OF THE ORDER DT.21.11.2014 IN I.A. No.2476/2014 IN O.S. No.512/2015 OF THE HON'BLE MUNSIFF COURT AT PATHANAMTHITTA.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No.18619 of 2015

Dated this the 14th day of July 2015

J U D G M E N T

Ashok Bhushan, CJ

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

2. This writ petition has been filed seeking for a direction to respondents 1 to 4 to provide adequate police protection to the life and property of the petitioner lying in Survey No.344/5 of Mezhuveli Village and for transporting timber from the said property. It is submitted that a suit as O.S.No.512 of 2014 filed by two plaintiffs against the present petitioner is pending consideration. Although an interim injunction was initially granted, it is subsequently vacated. Petitioner's case is that respondents 5 and 6 are creating obstruction in cutting and removing the timber.

3. Learned Government Pleader submits that since the suit is pending before the civil court, it is open for the petitioner to obtain appropriate orders from that court.

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4. We are of the view that it is open for the petitioner to approach the civil court for appropriate orders.

With the above observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE