

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 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 19696 of 2015 (J)

PETITIONER :

**K.A.ANNIE,AGED 42 YEARS,
HOUSEWIFE, PULINTHARA HOUSE,
HOUSE NO.20/586 E, NAMBIAMPURAM ROAD,
THAREPARAMBU, PALLURUTHY, KOCHI -682 006.**

**BY ADVS.SRI.R.SUDHEER
SRI.P.SAJU**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
HOME DEPARTMENT,
THIRUVANANTHAPURAM - 695 001.**
- 2. COMMISSIONER OF POLICE,
COMMISSIONARATE, REVENUE TOWER, KOCHI,
ERNAKULAM DISTRICT. PIN-682 011.**
- 3. CIRCLE INSPECTOR OF POLICE,
PALLURUTHY KASABA POLICE STATION,
PALLURUTHY P.O.,
ERNAKULAM DISTRICT, PIN - 682 006**
- 4. SUB INSPECTOR OF POLICE,
PALLURUTHY KASABA POLICE STATION,
PALLURUTHY P.O.,
ERNAKULAM DISTRICT, PIN -682 006**
- 5. AJITHA BASHER, D/O.SAREENA,
HOUSE NO.20/586, NAMBIYAPURAM ROAD,
THAREPARAMBU,
PALLURUTHY, KOCHI -682 006.**
- 6. HANEESH P.H., S/O.SAREENA,
AGED AROUND 40 YEARS, AUTORIKSHAW DRIVER,
HOUSE NO.20/586, NAMBIYAPURAM ROAD, THAREPARAMBU,
PALLURUTHY, KOCHI -682 006.**

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7. RIMSHU, S/O.BASHEER,
AGED AROUND 27 YEARS, HOUSE NO.20/586,
NAMBIYAPURAM ROAD, THAREPARAMBU, PALLURUTHY,
KOCHI -682 006.

R1 TO R4 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R6 BY ADVS. SMT.K.R.MONISHA
SRI.MICHAEL.M.WILSON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE DECREE DATED 12.09.2013 IN A.S.NO.36/2012
- P2 - TRUE COPY OF THE DECREE DATED 08.07.2014 IN RSA NO.6/2014 OF THIS HONOURABLE COURT.
- P3 - TRUE COPY OF THE ORDER DATED 21.03.2015 IN EP NO.11/2014 IN OS NO.247/2010
- P4 - TRUE COPY OF THE COMPLAINT DATED 29.05.2010 TO THE 2ND RESPONDENT.
- P4(A) - ENGLISH TRANSLATION OF EXHIBIT P4
- P5 - TRUE COPY OF THE COMPLAINT DATED 20.03.2015 TO THE 4TH RESPONDENT.
- P5(A) - ENGLISH TRANSLATION OF EXHIBIT P5.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.S.TO JUDGE

sts

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 19696 of 2015

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Dated this, the 13th day of August, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking police protection *inter alia* contending that there had been some disputes with respondents 5 to 7 in respect of a pathway, which is being used by the petitioner to her residence. Petitioner submits that civil suit was filed as OS No.247/2010 before the Munsiff Court, Kochi. After a long litigation, it reached upto the second appellate stage by which the petitioner obtained a mandatory injunction to demolish the compound wall constructed in the pathway. The decree was executed and the pathway was also restored to its original position. Respondents 5 to 7 are the successors in interest of the defendant in OS No.247/2010. They are now threatening the petitioner in such a way that she is not in a position to reside in her house. Presently she is residing elsewhere and whenever she intends to move to her house, there

is threatening and obstruction being created by respondents 5 to 7. Though petitioner has given complaints to the police, no action has been taken in the matter. Therefore, petitioner has approached this Court.

2. Counter affidavit is filed by the 6th respondent *inter alia* stating that they are ready to abide by the decree passed in the case and they have not created any obstruction as alleged. There is no reason why the petitioner should file a writ petition against respondents 5 to 7. It is stated that they are ready and willing to comply with the judgment of the civil court and the allegation against them are totally false.

3. Learned counsel for the petitioner would however submit that despite the undertaking given by respondents 5 to 7, still, the petitioner is afraid to move to her residence. Having regard to the aforesaid factual situation, we are of the view that if the petitioner intends to reside in the building belonging to her and if there is any obstruction from respondents 5 to 7 or any

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-:3:-

other person, on the compliant of the petitioner, police shall look into the matter and provide adequate protection.

Writ petition is disposed of as above.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge