

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 22405 of 2013 (A)  
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PETITIONER :-  
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DAVIS P.L., AGED 58 YEARS  
S/O.LATE LONAPPAN, PANIYAMKULAM HOUSE, KODANNOOR P.O.  
THRISSUR - 680 563.

BY ADVS.SRI.R.S.KALKURA  
SRI.M.S.KALESH  
SMT.A.V.PRIYA  
SRI.HARISH GOPINATH

RESPONDENTS :-  
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1. STATE OF KERALA,  
REPRESENTED BY SECRETARY, DEPARTMENT OF HOME AFFAIRS  
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. SUB INSPECTOR OF POLICE,  
CHERPU POLICE STATION, THRISSUR - 680 561.
3. CIRCLE INSPECTOR OF POLICE,  
CHERPU POLICE STATION, THRISSUR - 680 561.
4. SUPERINTENDENT OF POLICE, THRISSUR - 680 561.
5. DISTRICT COLLECTOR, THRISSUR - 680 563.
6. P.B.RADHAKRISHNAN,  
PROPRIETOR, M/S.KRISHNA FURNITURE WORKS  
PALAPPETTY PADINJAREPURAKKAL, KODANNUR P.O., THRISSUR - 680 563.
7. DIBEESH, S/O.P.B.RADHAKRISHNAN, PALAPPETTY PADINJAREPURAKKAL  
KODANNUR P.O., THRISSUR - 680 563.

R6 & 7 BY ADV. SRI.P.SANTHOSH (PODUVAL)  
SMT.R.RAJITHA

R1-R5 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-02-  
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT P1. TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT, DATED 19.07.2012.

EXHIBIT P2. TRUE COPY OF THE COMPLAINT DATED 09.10.2012, SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P3. TRUE COPY OF THE COMPLAINT DATED 03.05.2013, SUBMITTED BY THE PETITIONER'S WIFE BEFORE THE 2ND COMPLAINT.

EXHIBIT P4. TRUE COPY OF THE DISCHARGE-CARD, DATED 31.07.2013, ISSUED BY THE OF THE NEW MEDICAL COLLEGE HOSPITAL, THRISSUR, IN RESPECT OF SANJU, THE PETITIONER'S ELDER SON.

EXHIBIT P5. TRUE COPY OF THE DISCHARGE-CARD, DATED 31.07.2013, ISSUED BY THE OF THE NEW MEDICAL COLLEGE HOSPITAL, THRISSUR, IN RESPECT OF SANU, THE PETITIONER'S YOUNGER SON.

EXHIBIT P6. TRUE COPY OF THE COMPLAINT DATED 02.08.2013, FILED BEFORE THE 4TH RESPONDENT, BY THE PETITIONER.

EXHIBIT P7. TRUE COPY OF THE FIR NO.923 OF CHERPU POLICE STATION.

EXHIBIT P8. TRUE COPY OF THE COMPLAINT DATED 28.08.2013, SUBMITTED BY THE PETITIONER AND HIS FAMILY, BEFORE THE 5TH RESPONDENT.

EXHIBIT P9. TRUE COPY OF THE COMPLAINT DATED 8.10.2013, SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.

EXHIBIT P10. TRUE COPY OF THE RECEIPT DATED 8.10.2013, ISSUED BY THE CHERPU POLICE STATION.

RESPONDENT(S) ' EXHIBITS :-

EXHIBIT R6(a). TRUE COPY OF THE DISCHARGE CARD OF THE 7TH RESPONDENT FROM COMMUNITY HEALTH CENTRE, CHERPU.

EXHIBIT R6(b). TRUE COPY OF THE DISCHARGE CARD OF THE WIFE OF THE 6TH RESPONDENT FROM COMMUNITY HEALTH CENTRE, CHERPU.

EXHIBIT R6(c) SERIES. TRUE COPIES OF PHOTOGRAPHS OF THE PETITIONER'S CHILDREN CAUSING DAMAGE TO THEIR OWN BIKE.

EXHIBIT R6(d). TRUE COPY OF THE FIR IN CRIME No.1014/13 OF CHERPU POLICE STATION.

//TRUE COPY//

P.A. TO JUDGE

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

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**W.P.(C) No.22405 of 2013**  
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**Dated this the 13<sup>th</sup> day of February 2015**

**J U D G M E N T**

**Shaffique, J.**

This writ petition has been filed seeking for police protection. According to the petitioner, the private respondents, who are running a Unit had inflicted injuries on the petitioner and his family members and he had reached such a stage where virtually he was unable to enter into the said premises. According to him, objections have been raised regarding the pollution caused by the Unit being run by the private respondents which had resulted in threats and illegal action on the part of the private respondents. Though complaints were admittedly given to the police, no action has been taken in the matter.

2. A counter affidavit has been filed by the 2<sup>nd</sup> respondent inter alia stating that the petitioner as well as the private respondents are on enmity terms for the last several years consequent to the boundary dispute and on account of functioning of the Unit. Crimes have been registered as Crime Nos.923 of 2013 and 1014 of 2013 and the investigation is in progress. It was

-: 2 :-

found that the parties were filing false complaints against each other, which, later on enquiry were found to be incorrect. According to them, whenever complaints are received, appropriate action has been taken by the police in that regard and the parties were summoned, questioned and thereafter they have not indulged in such activities.

3. Counter affidavit has been filed by the 6<sup>th</sup> respondent controverting the allegations made by the petitioner. According to him, the petitioner is not permitting them to run the Unit and several complaints have been filed against them one after another alleging that the Unit is causing pollution and nuisance to the residents. But, none of the other neighbours have raised any complaint against the respondents' Unit.

4. Having regard to the factual situation as narrated in this case, it is evident that the petitioner as well as the private respondents are on loggerheads and fighting with each other. As far as the police is concerned, they have taken appropriate action whenever complaints were received. Learned counsel for the petitioner submits that the police is keeping silence, despite complaints having been filed. Having regard to the above facts, it is clear that the area in question is a highly volatile on account of the dispute between the petitioner as well as the private

-: 3 :-

respondents. We only observe that the police shall keep constant vigil on the activities of the petitioner as well as the private respondents and if there is any offence being committed or attempt to commit offence, the police shall look into the matter and do the needful in accordance with law.

With the above observation, this writ petition is closed.

**Sd/-**  
**ASHOK BHUSHAN**  
**Ag. CHIEF JUSTICE**

**Sd/-**  
**A.M. SHAFFIQUE**  
**JUDGE**