

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 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).No. 19865 of 2015 (G)

PETITIONER :

GEORGE AGED 66 YEARS
S/O. VARGHESE, MANJUMMEL KUDI HOUSE, MANJAKUZHI
RAJAKUMARI P.O, IDUKKI DISTRICT

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS :

1. THE CIRCLE INSPECTOR OF POLICE, DEVIKULAM POLICE STATION
DEVIKULAM, IDUKKI DISTRICT 685 586.
2. THE SUB INSPECTOR OF POLICE,
SANTHAMPARA POLICE STATION, IDUKKI DISTRICT 685 585
3. SOPHY, UPPUMAKKAL HOUSE, KDH VILLAGE, DEVIKULAM TALUK
DEVIKULAM, IDUKKI DISTRICT 685 586

R1 & R2 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 19865 of 2015 (G)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 TRUE COPY OF THE MARRIAGE CERTIFICATE OF THE PETITIONER'S SON

EXHIBIT P2 TRUE COPY OF THE OWNERSHIP CERTIFICATE

EXHIBIT P3 TRUE COPY OF THE OWNERSHIP CERTIFICATE

EXHIBIT P4 TRUE COPY OF THE REPRESENTATION OF THE 3RD RESPONDENT
BEFORE THE DISTRICT PROTECTION OFFICER

EXHIBIT P5 TRUE COPY OF THE ORDER OF THE LEARNED MAGISTRATE
DATED 04-11-2008 IN M.LC NO 76/2008

EXHIBIT P6 TRUE COPY OF THE ORDER OF THE SESSIONS COURT, THODUPUZHA
IN CRL. APPEAL NO 352/2008

EXHIBIT P7 TRUE COPY OF THE REPRESENTATION OF THE PETITIONER

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 19865 OF 2015

Dated this the 2nd day of July, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and learned Government Pleader.

2. The petitioner has come up with this writ petition seeking police protection against the 3rd respondent. Petitioner's case is that 3rd respondent, claiming to be the wife of petitioner's son, has obtained an order from the Magistrate Court under the provisions of Protection of Women from Domestic Violence Act, 2005, which order was subsequently vacated by an order of Sessions Court on 14.10.2011. Petitioner's case is that though he is still in strength of the ex-parte order, the 3rd respondent is trying to trespass into his residential house and the shop room of the petitioner.

The issue raised relates to the immovable property and its enjoyment. We only observe that the petitioner is at

liberty to seek appropriate relief from the Civil Court. We are of the view that present is not a case for issuing police protection order. Accordingly, the Writ Petition is dismissed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**