

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 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 19999 of 2015 (Y)

PETITIONER :

**TREESA TONY, AGED 57 YEARS,
W/O. TONY SILVESTER, CHUNGAM, PIRAYIRI,
PALAKKAD.**

**BY ADVS.SRI.MANOJ RAMASWAMY
SMT.SANJANA R.NAIR
SMT.V.SREEJA**

RESPONDENT(S):

- 1. DISTRICT POLICE CHIEF,
O/O DISTRICT POLICE CHIEF, PALAKKAD DISTRICT,
PALAKKAD -678 001**
- 2. CIRCLE INSPECTOR OF POLICE,
O/O CIRCLE INSPECTOR OF POLICE,
TOWN NORTH CIRCLE, PALAKKAD- 678 001**
- 3. SUB INSPECTOR OF POLICE,
TOWN NORTH POLICE STATION,
PALAKKAD -678 001**
- 4. MASILAMANI, S/O. CHAMI MOOTHAN, AGED 48 YEARS,
BUSINESS, THIRUPURACKAL NAGAR COLONY,
KARNAKI NAGAR, PALAKKAD- 678 005**
- 5. SABARI, S/O. UNNI MOTTHAN, AGED 51 YEARS,
BUSINESS, UPPATH HOUSE,
KARNAKI NAGAR, PALAKKAD- 678 005**
- 6. MOHAMMED RAFAEEK, S/O. SYED RAWTHER, AGED 45 YEARS,
BUSINESS, PUDUPALLY STREET,
NOOMI, PALAKKAD- 678 005**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 19999 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 THE COPY OF THE JUDGMENT DATED 29-06-2011 IN O.S NO 330 OF
2005 BEFORE THE MUNSIFF COURT OF (ADDITIONAL) PALAKKAD

EXHIBIT P2 TRUE COPY OF THE COMPLAINT DATED 10-06-2015 FILED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT

EXHIBIT P2(A) TRUE COPY OF THE ENGLISH TRANSLATION AT EXHIBIT P2

EXHIBIT P3 TRUE COPY OF THE RECEIPT DATED 10/06/2015

EXHIBIT P3(A) TRUE COPY OF THE ENGLISH TRANSLATION AT EXHIBIT P3

EXHIBIT P4 TRUE COPY OF THE ENGLISH VERSION OF THE COMPLAINT DATED
19-06-2015

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

*** * * * ***

W.P (C) No.19999 of 2015

Dated this, the 10th day of July, 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 5 and 6 in view of the judgment being passed today.

2. Petitioner's case in the writ petition is that she is the owner of 13 cents of land in Sy.No.3702/1984 near Melamuri Market. It is her case that respondents 4 to 6 had initially approached her and sought to take the property on lease for the purpose of parking vehicles. On refusal, they are threatening the petitioner and her husband. A suit was also filed by respondents 4 to 6 before the Munsiff Court, Palakkad, which was dismissed on 29/06/2011.

3. The learned Government Pleader, after obtaining instructions, submits that after receipt of the complaint from the petitioner, police visited the spot and asked respondents 4 to 6 and another person not to interfere in the possession of the open

area. The learned Government Pleader further submits that against the judgment of the Munsiff Court, an appeal has already been filed which is pending, but there is no interim injunction. It is also submitted by the learned Government Pleader that police is keeping a vigil and in the event any offence or attempt to offence is committed, on receipt of a complaint from the petitioner, appropriate action will be taken by the police.

Recording the aforesaid submission of the learned Government Pleader, we dispose of this writ petition with an observation that proper vigil shall be kept by respondents 2 and 3 in the matter.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

