

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. 21118 of 2015 (L)

PETITIONER :

KADEEJA, W/O.LATE ABDULLA,
AGED 71 YEARS, THEKKEVALIYA PARAMBATH,
P.O. KURINJALIYOD, (VIA) VILLIAPPALLY,
KOZHIKODE DISTRICT.

BY ADVS.SRI.C.VATHSALAN
SRI.GHOSH YOHANNAN
SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V

RESPONDENTS :

1. SUPERINTENDENT OF POLICE, (RURAL) KOZHIKODE,
P.O. VATAKARA, KOZHIKODE DISTRICT - 673 101.
2. SUB INSPECTOR OF POLICE,
EDACHERY POLICE STATION, POST EDACHERY,
(VIA) VATAKARA, KOZHIKODE DISTRICT - 673 502.
3. FOUSIYA, AAVITHAREMMAL HOUSE,
P.O. AYINIKKAD, PAYYOLY, PRESENTLY RESIDING
AT THEKKEVALIYA PARAMBATH, P.O.KURINJALIYODE,
KOZHIKODE DISTRICT - 673 523.
4. HUSSIAN, AAVITHAREMMAL HOUSE,
P.O. AYINIKKAD, PAYYOLY, PRESENTLY RESIDING AT
THEKKEVALIYA PARAMBATH, P.O. KURINHALIYODE,
KOZHIKODE DISTRICT - 673 502.
5. KADEESSA, AAVITHAREMMAL HOUSE,
P.O. AYINIKKAD, PAYYOLY, PRESENTLY RESIDING AT
THEKKEVALIYA PARAMBATH, P.O. KURINHALIYODE,
KOZHIKODE DISTRICT - 673 502.

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

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

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APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF PETITION ALONG WITH AFFIDAVIT AND ORDER IN I.A.
No.844/2015 IN O.S. No.122/2015 ON THE FILE OF MUNSIFF COURT,
VATAKARA WITH ENGLISH TRANSLATION.

EXT.P2 : TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT FOR
RECEIVING COMPLAINT FROM THE PETITIONER WITH ENGLISH
TRANSLATION.

RESPONDENTS' EXHIBITS:

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No.21118 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. In this writ petition, the petitioner is making allegations against the 3rd respondent, who is the wife of her son. The 4th and 5th respondents are the parents of 3rd respondent. It is stated that the petitioner has filed a suit as O.S.No.122 of 2015 before the Munsiff's Court claiming interim injunction, which has already been granted. It is alleged that respondents 3 to 5 have trespassed into her house and in fact, as prayed for in the writ petition, a direction may be issued to respondents 1 and 2 to remove respondents 3 to 5 from the residence of the petitioner.

3. We are of the view that since the issue is pending before the civil court, it is appropriate for the petitioner to obtain such orders from the civil court, if so advised.

Since the issue raised in this writ petition cannot be entertained in a police protection matter, we close the writ

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petition. It is made clear that in any event, if the petitioner makes an appropriate application, the same shall be considered in accordance with law.

Sd/-

**ASHOK BHUSHAN
CHIEF JUSTICE**

Sd/-

**A.M. SHAFFIQUE
JUDGE**

Jvt