

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 21963 of 2015 (U)

PETITIONERS :

1. KAMALAMBAL AGED 87 YEARS
W/O. LATE V.T.NARAYANA PILLAI
VALUMANNIL VADAKKEPURATHU HOUSE, KOZHENCHERRY
PATHANAMTHITTA DISTRICT, NOW RESIDING AT SITHARA
THIRUVAMBADI, PAZHAVEEDU VILLAGE, AMBALAPUZHA TALUK
ALAPPUZHA VILLAGE.
2. VALSALA MOORTHY AGED 55 YEARS
W/O. P.KRISHNA MOORTHY, SITHARA, THIRUVAMBADI
PAZHAVEEDU VILLAGE, AMBALAPUZHA TALUK
ALAPPUZHA VILLAGE.

BY ADVS.SRI.ARUN.B.VARGHESE
SRI.JAYKAR.K.S.
SMT.M.B.DHANYA BABU

RESPONDENTS :

1. THE SUPERINTENDENT OF POLICE
DISTRICT POLICE HEAD QUARTERS
PATHANAMTHITTA-689 645.
2. THE CIRCLE INSPECTOR OF POLICE
KOZHENCHERRY, PATHANAMTHITTA DISTRICT-689 645.
3. THE SUB INSPECTOR OF POLICE
ARANMULA POLICE STATION
PATHANAMTHITTA DISTRICT-689 645.
4. BIJO P.MATHEW, AGED 32 YEARS
S/O. MATHAI BABY, PULLICKAL ALUMMOOTTIL HOUSE
KOZHENCHERRY, PATHANAMTHITTA DISTRICT-689 645.
5. M.V. VARGHESE, S/O.VARGHESE, AGED 57 YEARS,
MULLASSERIL HOUSE,KOZHENCHERRY,
PATHANAMTHITTA DISTRICT - 689 645.

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6. RADHAKRISHNAN @ OMANAKUTTAN,
S/O.SHIVANARAYANAN, AGED 44 YEARS,
THEKKATTIL HOUSE, KOZHENCHERRY,
PATHANAMTHITTA DISTRICT - 689 645.

R1 TO R3 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

- P1 : COPY OF THE COMPLAINT DTD.5.2.2012 SUBMITTED BY THE 2ND WRIT PETITIONER BEFORE THE 3RD RESPONDENT AND ITS ENGLISH TRANSLATION.
- P2 : COPY OF COMPLAINT DTD.6.2.2012 SUBMITTED BY THE WRIT PETITIONER BEFORE THE FIRST RESPONDENT AND ITS ENGLISH TRANSLATION.
- P3 : COPY OF THE PLAINT IN OS NO.69/12 PENDING ON THE FILES OF MUNSIFF COURT, PATHANAMTHITTA.
- P4 : COPY OF THE INJUNCTION ORDER IN IA NO.284/2012 IN OS NO.69/2012 ON THE FILES OF MUNSIFF COURT, PATHANAMTHITTA.
- P5 : COPY OF THE COMPLAINT DTD.27.3.2012 SUBMITTED BY THE 2ND WRIT PETITIONER BEFORE THE 2ND RESPONDENT AND ITS ENGLISH TRANSLATION.
- P6 : COPY OF THE COMPLAINT DTD.19.6.13 SUBMITTED BY THE WRIT PETITIONER BEFORE THE 3RD RESPONDENT AND ITS ENGLISH TRANSLATION.
- P7 : COPY OF THE COMPLAINT DTD.7.7.2015 SUBMITTED BY THE SECOND WRIT PETITIONER BEFORE FIRST RESPONDENT.
- P8 : COPY OF THE COMPLAINT DTD.7.7.2015 SUBMITTED BY THE SECOND WRIT PETITIONER BEFORE THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 21963 OF 2015

Dated this the 29th day of July, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioners and learned Government Pleader. No notice is being issued to respondent Nos. 4 to 6 in view of the order which is being passed.

2. Petitioners have come up with the writ petition seeking a direction to respondents 1 to 3 to grant effective and adequate protection to the life of the petitioners and further to take action on Ext.P7 complaint submitted by the 2nd petitioner.

3. Petitioners' case is that private respondents have demolished a part of the boundary wall with regard to which a complaint was filed on 05.02.2012, on which a crime has already been registered and respondents have been charge sheeted. It is submitted that 1st petitioner was taken by 2nd petitioner to Ambalappuzha where she is residing. It is

submitted by petitioners that they are unable to enter into the house on account of the threat and obstruction created by private respondents. It is submitted that petitioners have already filed a suit, being O.S. No. 69 of 2012, for damages and permanent and mandatory injunction. Interim injunction has also been issued in favour of the petitioner/plaintiff by the Munsiff's Court.

In the facts and circumstances of the case, if the petitioners make a request to the 3rd respondent with regard to the protection to be provided to their life and to reside in their house, police authorities shall provide appropriate protection.

The Writ Petition is disposed of as above.

**Ashok Bhushan,
Chief Justice.**

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

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