

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 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

WP(C).No. 22490 of 2014 (I)

PETITIONER :

VELLAYA PILLAI.R., AGED 60 YEARS
S/O.PANDYAMMAL, DOOR NO.165 NORTH CAR STREET
UTTHAMA PALAYAM, THENI DISTRICT, TAMILNADU STATE

BY ADVS.SMT.AYSHA YOUSEFF
SRI.JOBI.A.THAMPI

RESPONDENTS :

1. SUB INSPECTOR OF POLICE
VANDANMEDU, VANDANMEDU, IDUKKI DISTRICT.
2. DISTRICT POLICE CHIEF
IDUKKI, IDUKKI DISTRICT.

- * 3. JAHAGIR, AGED 55 YEARS
S/O.NAGOORAVAN, KHADEEJA ESTATE
PULIANMALA KARA KATTAPPANA VILLAGE
UDUMBANCHOLA TALUK
IDUKKI DISTRICT.[DELETED]
(* 3RD RESPONDENT IS DELETED FROM THE PARTY ARRAYT AS PER
ORDER DATED 07.11.2014 IN I.A. No.14939 OF 2014)

4. ACHAN KUNJU, AGED 50 YEARS
MANAGER, FATHER'S NAME NOT KNOWN
KHADEEJA ESTATE PULIANMALA KARA KATTAPPANA VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

R1 & R2 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR
R4 BY ADV. SRI.A.C.DEVASIA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 - TRUE COPY OF THE JUDGMENT DTD.30-03-2012 IN O.S.108/2006 ON
THE FILES OF THE MUNSIF'S COURT KATTAPPANA.

EXT.P2 - TRUE COPY OF THE PROCEEDINGS DTD.17-08-2012 OF THE ASSISTANT
SETTLEMENT OFFICER CARDAMOM PLANTATIONS.

EXT.P2(A) - TRUE COPY OF THE RECEIPT IN RESPECT OF THE REMITTANCE
OF PREMIUM.

EXT.P3 - TRUE COPY OF THE RECEIPT DTD.17-8-2012 ISSUED BY THE VILLAGE
OFFICER KATTAPPANA AND ITS TRUE ENGLISH TRANSLATION.

EXT.P3(A) - TRUE COPY OF THE RECEIPT DTD.3-6-2013 ISSUED BY THE VILLAGE
OFFICER KATTAPPANA AND ITS TRUE ENGLISH TRANSLATION.

EXT.P3(B) - TRUE COPY OF THE RECEIPT DTD.4-4-2014 ISSUED BY THE VILLAGE
OFFICER KATTAPPANA AND ITS TRUE ENGLISH TRANSLATION.

EXT.P4 - TRUE COPY OF THE COMPLAINT DTD.7-8-2014 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P4(A) - TRUE COPY OF THE RECEIPT SHOWING THE RECEIPT OF THE
EXT.P4 COMPLAINT.

EXT.P5 - TRUE COPY OF THE COMPLAINT DTD.11-8-2014 SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P5(A) - TRUE COPY OF THE POSTAL RECEIPT IN RESPECT OF THE EXT.P5
REPRESENTATION

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 22490 OF 2014

Dated this the 17th day of November, 2015

JUDGMENT

Shaffique, J.

This writ petition has been filed seeking police protection in the matter relating to enjoyment of property. It is submitted that a suit has been filed before the Munsiff's Court as O.S. No.108/2006 which has been decreed in favour of the plaintiff. Respondents 3 and 4 have preferred an appeal before the appellate court which is pending consideration.

2. Learned counsel for the petitioner submits that as matters stand now there is no law and order situation. However, if there is any law and order problem in future, liberty should be granted to the petitioner to approach the Police for protection.

Having regard to the fact that the appeal is pending before the Civil Court, it is always open for the parties to approach the Civil Court and get necessary reliefs. We therefore close this Writ Petition with liberty to the petitioner to approach the Police if any cause of action arises in future.

**Ashok Bhushan,
Chief Justice.**

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