

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 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 23260 of 2015 (F)

PETITIONER :

1. **MAHENDRANATH
SON OF KOLAPPAN PILLAI
KUZHIVILAKATHU PUTHEN VEEDU
NEMOM, THIRUVANANDAPURAM.**
2. **SINDHU MAHENDRAN
WIFE OF MAHENDRANATH
KUZHIVILAKATHU PUTHEN VEEDU
NEMOM, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.A.MOHAMMED FAISEL
SRI.N.KRISHNA PRASAD
SRI.P.G.PRAMOD**

RESPONDENT(S) :

1. **CIRCLE INSPECTOR OF POLICE
NEMON POLICE STATION
NEMOM, THIRUVANANTHAPURAM – 695 020.**
2. **SUB INSPECTOR OF POLICE
NEMON POLICE STATION
THIRUVANANTHAPURAM – 695 020.**
3. **ABDUL KARIM
SON OF MEERAN PILLAI
FAGAD MANZIL, PALLIVILA
KARAKKA MANDAPAM
NEMOM POST, THIRUVANANTHAPURAM – 695 020.**

R1 & R2 BY SR.GOV'T. PLEADER SRI. C.R. SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

WP(C).No. 23260 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF OS NO. 1304/2015 FILED BEFORE THE HONOURABLE
MUNSIFF COURT, THIRUVANANTHAPURAM.
- EXT.P2 COPY OF IA NO. 528/2015 IN OS NO. 1304/2015 FILED BEFORE THE
HONOURABLE MUNSIFF COURT, THIRUVANANTHAPURAM.
- EXT.P3 COPY OF THE ORDER OF TEMPORARY INJUNCTION DATED 10.7.2015
OF THE HONOURABLE MUNSIFF COURT, THIRUVANANTHAPURAM IN
IA NO. 528/2015.
- EXT.P4 COPY OF THE COMPLAINT DATED 22.7.2015 FILED BEFORE THE
SECOND RESPONDENT.
- EXT.P4(a) ENGLISH TRANSLATION OF EXT. P4.
- EXT.P5 COPY OF THE RECEIPT EVIDENCING THE FACTUM OF FILING OF
COMPLAINT BY THE SECOND PETITIONER BEFORE THE SECOND
RESPONDENT.
- EXT.P5(a) ENGLISH TRANSLATION OF EXT. P5.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

ASHOK BHUSHAN, C.J.

&

A.M.SHAFFIQUE, J.

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W.P.(C) No. 23260 of 2015 (F)

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Dated this the 5th day of August, 2015

JUDGMENT

A.M.Shaffique, J.

The petitioners have approached this Court seeking police protection, inter alia, alleging that the 3rd respondent is trying to trespass into the property of the petitioners and threatening the petitioners with dire consequences.

2. It is stated that when there was an attempt to trespass, the petitioners filed a suit as O.S. No.1304 of 2015 seeking for a permanent prohibitory injunction restraining the 3rd respondent from trespassing into the property in his possession and ownership. An interim order of injunction has already been granted by this Court. Still, the 3rd respondent and their men are making attempts to trespass into the property and is threatening the petitioners. Though, complaint was given to the police for necessary action, police did not take any steps in that regard to prevent the atrocious acts of the 3rd respondent. Hence, the petitioners have approached this Court.

3. The learned Government Pleader on instructions would submit that on receipt of the complaint, police had conducted enquiry.

The 1st petitioner is a money lender and he had obtained assignment of the property belonging to the 3rd respondent, on the ground that some amount had been due from the 3rd respondent. But the 3rd respondent and his wife are residing in the very same building situated in the property. The petitioners have inducted three ladies in the said building and on account of which the said three ladies are residing on the ground floor and the 3rd respondent and his wife are residing in the 1st floor. Further it is stated that the petitioners are not residing in the said building.

Under such circumstances, we do not think that the petitioners are entitled for any direction as sought for. It is always open for the petitioners to approach the civil court and obtain appropriate orders.

In the result, this writ petition is dismissed.

Sd/-
ASHOK BHUSHAN, Chief Justice.

Sd/-
A.M.SHAFFIQUE, Judge.