

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 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C).No. 26522 of 2013 (M)

PETITIONER(S):

SUNEESH, AGED 25 YEARS
S/O.PRABHAKARAN, KAKATTPARAMBIL HOUSE
MULLASSERY VILLAGE DESOM, CHAVAKKAD TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

1. THE STATE OF KERALA,
REP. BY THE SECRETARY TO THE GOVT. HOME DEPARTMENT
GOVT. SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. THE SUB INSPECTOR OF POLICE,
KUNNAMKULAM POLICE STATION
THRISSUR DISTRICT-680001.
3. THE CHOONDAL GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, TALAPPILLY TALUK
THRISSUR DISTRICT-680001.
4. THE PRESIDENT,
CHOONDAL GRAMA PANCHAYATH, TALAPPILLY TALUK
THRISSUR DISTRICT-680001.

R1,R2 BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN
R3, R4 BY ADV. SRI.T.M.CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 26522 of 2013 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: COPY OF THE JUDGMENT IN O.S.NO.524 OF 09 DATED 31/5/2012 ON THE FILE OF THE MUNSIF COURT, WADAKKANCHERRY.

P2: COPY OF THE EP NO.213/2012 IN OS NO.524/09 DATED 13/8/2012 ON THE FILE OF THE MUNSIF COURT, WADAKKANCHERRY.

P3: COPY OF THE DELIVERY CERTIFICATE ISSUED IN EXT.P2 DATED 26/7/2013.

P4: COPY OF THE COMPLAINT LODGED BY THE PETITIONER BEFORE THE SECOND RESPONDENT DATED 26/7/2013.

RESPONDENT(S)' EXHIBITS

NIL

// True Copy //

P.A. To Judge

soil.

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

W.P(C). No. 26522 of 2013

Dated this the 1st day of December, 2015

JUDGMENT

Shaffique, J

Petitioner has approached this Court seeking police protection alleging that respondents 3 and 4 are obstructing the enjoyment of his property, which is covered by the decree passed by the Munsiff Court, in O.S. No.524 of 2009. According to the petitioner, the decree had been executed and property had been delivered in favour of the petitioner. However, apprehending that the respondent may again create obstructions, Ext.P4 has been filed. Since no action has been taken pursuant to Ext.P4, this writ petition has been filed.

2. Counter affidavit has been filed by respondents 3 and 4 inter alia stating that they have not created any obstruction as alleged. There is no allegation of offence in Ext.P4. According to them, they have not interfered with the petitioner's right in any manner.

3. Under such circumstances, we do not think that there is any necessity to pass any orders as prayed for. If there is

any further cause of action, it shall be open for the petitioner to approach the competent authority for appropriate relief.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE

sou.2/12/15

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