

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 24196 of 2015 (Y)

PETITIONER :

ROY @ MONJOSE, AGED 40 YEARS,
S/O.JOSEPH JOSEPH,
MANJAKKUZHAKUNNEL, 525, MUKKALY,
EDAKKUNNAM, PIN - 686 512.

BY ADVS.SRI.C.P.UDAYABHANU
SRI.R.MANOJ

RESPONDENTS :

1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY, MINISTRY OF HOME,
STATE SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE CIRCLE INSPECTOR OF POLICE,
KANJIRAPPALLY, PIN - 686 506.
3. THE SUB INSPECTOR OF POLICE,
KANJIRAPPALLY, PIN - 686 506.
4. V.S. VIJAYAN, AGED 61, VECHUKUNNEL HOUSE,
EDAKKUNNAM KARA, KANJIRAPPILLY TALUK,
KOTTAYAM DISTRICT, PIN 686 512.
5. SOUMYA VIJAYAN, AGED 34, D/O.V.S. VIJAYAN,
VECHUKUNNEL HOUSE, EDAKKUNNAM KARA,
KANJIRAPPILLY TALUK, KOTTAYAM DISTRICT,
PIN 686 512.

R1 TO R3 BY STATE ATTORNEY, SRI.P. VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE PLAINT IN O.S. NO.203/2015 OF THE MUNSIFF'S COURT, KANJIRAPPALLY.

EXT.P1(A) : TRUE COPY OF THE TRANSLATION OF EXHIBIT P1.

EXT.P2 : TRUE COPY OF THE ORDER IN I.A. No.754/2015 IN O.S.No.203/2015 OF THE FILES OF THE MUNSIFF'S COURT, KANJIRAPPALLY DATED 23.06.2015.

EXT.P3 : TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY RESPONDENTS 4 AND 5 IN O.S. No.203/2015 OF THE MUNSIFF'S COURT, KANJIRAPPALLY.

EXT.P4 : TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 26.06.2015.

EXT.P4 (A) : TRUE COPY OF THE TRANSLATION OF EXHIBIT P3.

EXT.P5 : TRUE COPY OF THE ACKNOWLEDGMENT FOR RECEIPT OF PETITION OBTAINED FROM the KANJIRAPPALLY POLICE STATION RELATING TO EXHIBIT P4.

EXT.P6 : TRUE COPY OF THE INTERLOCUTORY APPLICATION FILED BY THE PETITIONER BEFORE THE MUNSIFF COURT, KAJIRAPPALLY DATED 10.07.2015.

EXT.P6(A) : TRUE COPY OF THE TRANSLATION OF EXHIBIT P6.

EXT.P7 : TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE 4TH RESPONDENT TO EXHIBIT P6 I.A.

EXT.P8 : TRUE COPY OF THE INTERLOCUTORY APPLICATION FILED BY THE PETITIONER IN OS No.203/2015 OF THE MUNSIFF'S COURT, KANJIRAPPALLY.

EXT.P8(A) : TRUE COPY OF THE TRANSLATION OF EXHIBIT P8.

EXT.P9 : TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE EDAKKUNNAM VILLAGE OFFICE DATED 16.07.2015.

RESPONDENTS' EXHIBITS:

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 24196 OF 2015

Dated this the 10th day of August, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and learned Government Pleader.

2. By this petition the petitioner is seeking police protection against private respondents, who according to him, have violated the interim injunction granted in O.S. No. 203/2015. Petitioner's case is that the Court has passed an injunction order on 23.06.2015, in I.A. No.754/2015 in O.S. No.203/2015 against which the respondents have filed objections. Petitioner's case is that in view of the repeated objections, no order can be passed by the Trial court as on date.

3. Be that as it may, as the matter is in seizin of the civil court, we are of the view that petitioner can pursue his application filed before the Munsiff's Court and appropriate orders can be passed by that Court.

With the above observation, the Writ Petition is closed.

**Ashok Bhushan,
Chief Justice.**

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