

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 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 24853 of 2015 (F)

PETITIONER :

SUNIL THOMAS, AGED 42 YEARS
S/O.K.THOMAS, ALL SAINTS COLLEGE
TC 32/1076(1) ARA 104, BEACH P.O., PIN- 695 007
KADAKAMPALLY VILLAGE, THIRUVANANTHAPURAM.

BY ADVS.SRI.P.RAVEENDRAN PILLAI
SRI.R.MANOJ
SMT.INDIRA RAVEENDRAN

RESPONDENTS :

1. THE REVENUE DIVISIONAL OFFICER,
EAST FORT, THIRUVANANTHAPURAM.
2. THE VILLAGE OFFICER,
THYCAUD P.O., THIRUVANANTHAPURAM DISTRICT.
3. THE ASSISTANT COMMISSIONER OF POLICE,
CANTONMENT POLICE STATION, THIRUVANANTHAPURAM.
4. THE SUB INSPECTOR OF POLICE,
MUSEUM POLICE STAION, THIRUVANANTHAPURAM.
5. SARAMMA IMMANUEL,
NRA 144 E, NANDAVANAM, VIKAS BHAVAN P.O.
THIRUVANANTHAPURAM.

R1 TO R4 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT P1 - TRUE COPY OF THE SALE DEED EXECUTED BY THE PETITIONER
DATED 4/3/2015.

EXT P1(A) TRUE TRANSLATION OF EXT P1.

EXT P2- TRUE COPY OF THE LATEST TAX PAID RECEIPT DATED 13/05/2015.

EXT P2(A)- TRUE COPY OF TRANSLATION OF EXT P2.

EXT P3- TRUE COPY OF PLAN RELATING TO HIS PROPERTY.

EXT P4- TRUE COPY OF THE REPORT SUBMITTED BY THE 2ND RESPONDENT
BEFORE THE 1ST RESPONDENT DATED 27/01/2015.

EXT P4(A)- TRUE ENGLISH TRANSLATION OF EXT P4.

EXT P5- TRUE COPY OF THE ORDERS PASSED BY THE 1ST RESPONDENT
DATED 22/04/2015.

EXT P5(A)- TRUE ENGLISH TRANSLATION OF EXT P5.

EXT P6- TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE
3RD RESPONDENT DATED 05/08/2015.

EXT.P6- TRUE COPY OF THE EXTRACT OF BASIC TAX REGISTER OF
THYCAUD VILLAGE.(I.A. No.14305/2015)

EXT.P6(A) : TRUE COPY OF THE TRANSLATION OF EXT.P6.(I.A. No.14305/2015)

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 24853 OF 2015

Dated this the 20th day of October, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and learned Government Pleader. No notice is being issued to the 5th respondent in view of the order which is being passed.

2. Petitioner has come up with the writ petition praying for police protection to enforce Ext.P5 order. Petitioner's case is that the only pathway leading to his house has been obstructed by the private respondent with regard to which the Sub Divisional Magistrate, Thiruvananthapuram has already passed Ext.P5 order under Section 133 Cr.P.C. which is being implemented.

3. Learned Government Pleader submits that the said order indicates that the Sub Divisional Magistrate has granted time to the opposite party to file objections which were filed and the order is not final. Learned counsel for the petitioner disputes the said statement and submits that no objection has been filed.

We are of the view that the police authorities are required to give police protection when a final order is passed by the Sub Divisional Magistrate under Section 133 Cr.P.C. We dispose of the writ petition with the observation that in the event final orders are passed, police shall provide adequate police protection for compliance of the order of Sub Divisional Magistrate.

**Ashok Bhushan,
Chief Justice.**

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