

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 26006 of 2014 (A)

PETITIONERS/PETITIONERS :

1. THANKACHI AGED 57 YEARS
W/O LATE BABU RAJENDRAN, KAMALA VILASOM BUGLOW
THEKKEVILA PO, KOLLAM
2. DHANYA AGED 22 YEARS
D/O THANKACHI, KAMALA VILASOM BUGLOW, THEKKEVILA PO
KOLLAM
3. ANUPAMA AGED 20 YEARS
D/O THANKACHI, KAMALA VILASOM BUGLOW, THEKKEVILA PO
KOLLAM

BY ADVS.SMT.SUMATHY DANDAPANI (SR.)
SRI.MILLU DANDAPANI
KUM.ANUPAMA SUBRAMANIAN

RESPONDENTS/RESPONDENTS :

1. MURUKAN, AGED 32 YEARS
GANDHI NAGAR, KAMPIKETITIL PURAYIDOM
WEST OF VALATHUNGAL BOYS HIGH SCHOOL
VALATHUNGAL CHERRY, KOLLAM - 691 018
2. SOMAN, AGED 55 YEARS
GANDHI NAGAR, KAMPIKETITIL PURAYIDOM
WEST OF VALATHUNGAL BOYS HIGH SCHOOL
VALATHUNGAL CHERRY, KOLLAM - 691 018
3. VINOD, AGED 30 YEARS
S/O SOMARAJAN, THIRUTTOMIAL THODI, GANDHI NAGAR
VALATHUNGAL PO, KOLLAM - 691 018.
4. SURESH , AGED 32 YEARS
S/O SOMARAJAN, THIRUTTOMIAL THODI, GANDHI NAGAR
VALATHUNGAL PO, KOLLAM - 691 018.

5. SUB INSPECTOR OF POLICE
ERAVIPURAM POLICE STATION, ERAVIPURAM PO
KOLLAM - 691 011.

ADDL. 6. MADHUSOODANAN, S/O.MADHAVAN,
VARAZHIKATHU, VALATHINGAL P.O.,
VALATHINGAL CHERRY, ERAVIPURAM VILLAGE,
KOLLAM.

ADDL. 7. BINDHU, W/O.MADHUSOODANAN,
VARAZHIKATHU, VALATHINGAL P.O.,
VALATHINGAL CHERRY, ERAVIPURAM VILLAGE,
KOLLAM.

(ADDL. R6 & R7 ARE IMPEADED AS PER ORDER DATED 18.12.2014
IN I.A. NO.15420 OF 2014).

R5 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.
R6 & R7 BY ADV. SRI.B.MOHANLAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1 : TRUE COPY OF THE JUDGMENT DATED 06.03.2010 IN OS 378/08

EXHIBIT P2 : TRUE COPY OF THE EXECUTION PETITION NO.155/12 IN OS 378/08
DATED 22.05.2010.

EXHIBIT P3 : TRUE COPY OF THE ORDER DATED 19.12.2013 ISSUED BY THE
LEARNED MUNSIF, KOLLAM, APPOINTING SMT. AJITHA AS ADVOCATE
COMMISSIONER.

EXHIBIT P4 : TRUE COPY OF THE MEMO DATED 10.07.2014 IN E.P 155/12 IN
OS 378/08.

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

EXHIBIT P5 : TRUE COPY OF THE ACKNOWLEDGMENT OF THE COMPLAINT RECEIVED
BY THE POLICE.

EXHIBIT P5(A) : TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P5

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 26006 OF 2014

Dated this the 13th day of January, 2015

JUDGMENT

Shaffique, J.

The petitioners have approached this Court seeking police protection in the matter of implementation of directions issued by Civil Court in O.S. No.378 of 2008. It is *inter alia* contended that an Advocate Commissioner had been appointed for monitoring the construction of a basement, which work was proceeded with the police help. It is submitted that in the absence of sufficient police personnel, petitioners are not able to carry on the construction effectively. It is submitted that the private respondents 2 to 4 have caused obstruction to the construction activities being carried on as per the direction issued by the Civil Court.

2. I.A. No. 15420 of 2014 has been filed by third parties seeking to implead them in this writ petition alleging that they have already filed a suit before the Munsiff's Court as O.S. No.1207 of 2013 which is pending consideration.

3. The main complaint raised by the petitioners is with regard to the insufficiency of police force despite the direction issued by Civil Court. Admittedly an Advocate Commissioner has been appointed to monitor the work. If more police force is necessary to carry on the work, normally the Advocate Commissioner has to make a report to the court and appropriate orders will be passed by the Civil Court.

4. In the facts and circumstances of the case we are of the view that no direction is required to be passed by this Court. It shall be open for the petitioner to approach the Civil Court for appropriate orders, which shall be considered by the Civil Court in accordance with law.

With the above observation, the Writ Petition is closed.

**Ashok Bhushan,
Acting Chief Justice.**

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

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