

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WP(C).No. 26920 of 2014 (L)

PETITIONER(S):

- 1. LALITHA GEORGE, AGED 54 YEARS,
W/O.LATE GEORGE CHANDY,
PANAMPUNNA KONDATHUPARAMBIL,
OLD BAZAR, ARUTHOOTTY, KOTTAYAM DISTRICT.**
- 2. ASOK GEORGE, S/O.LATE GEORGE CHANDY,
AGED 25 YEARS, PANAMPUNNA KONDATHUPARAMBIL,
OLD BAZAR, ARUTHOOTTY, KOTTAYAM DISTRICT.**

BY ADV. SRI.M.NARENDRA KUMAR.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO MINISTRY OF HOME,
SECRETARY, TRIVANDRUM- 695 001.**
- 2. SUPERINTENDENT OF POLICE,
CIVIL STATION, KOTTAYAM DISTRICT-686 001.**
- 3. SUB INSPECTOR OF POLICE,
KARUKACHAL, KOTTAYAM DISTRICT-686 540.**
- 4. CHACKO YOHANNAN, S/O.CHACKO,
AGE NOT KNOWN, KAYALATHU, AMBALATHINAMKUZHY,
KANGAZHA, KOTTAYAM DISTRICT, PIN-686 541.**
- 5. SHIBU SAMUEL, S/O.ELIYAMMA,
CHEMBUKUZHAKATTU, KULAMAKADU,
PUNNELY P.O, KANGAZHA, PIN -686 541.**
- 6. RAJU, VATTAKAVUNGAL, (KAYYALATH),
AMBALATHINAMKUZHY, KANGAZHA,
KOTTAYAM DISTRICT-686 541.**

7. **MOSSES YOHANNAN,**
KAYALATHU, AMBALATHINAMKUZHY, KANGAZHA,
KOTTAYAM DISTRICT-686 541.
8. **CHACKO YOHANNAN,**
KAYALATHU, AMBALATHANKUZHY, KANGAZHA,
KOTTAYAM DISTRICT- 686 541.
9. **BINU GEORGE,**
CHEMBUZHICKATTU, AMBALATHANKUZHY, KANGAZHA,
KOTTAYAM DISTRICT-686 541.
10. **JOSEPH VARGHESE,**
KALLOOPARAMBIL HOUSE,
RESIDING AT KOCHUPURACKAL HOUSE,
KULAMAKADU, PUNNELY P.O, KANGAZHA- 686 541.
11. **SHAJI KARUNAKARAN,**
VENGOLIKAL, RESIDING AT PALAKULATHU HOUSE,
C/O.CHERIAN THOMAS, KULAMAKADU, PUNNELY P.O.,
KANGAZHA- 686 541.
12. **KUNJUMON @ THOMAS,**
RESIDING AT PALAKUNNAM HOUSE, CHIRAPURAYIDOM,
C/O.CHERIAN THOMAS, KULAMAKADU, PUNNELY P.O.,
KANGAZHA- 686 541.
13. **SHAJI THOMAS, KADAPLAKUZHY,**
KULAMAKADU, PUNNELY P.O., KANGAZHA-686 541.
14. **SUNNYKUTTY, EDAPPARAMBIL,**
AMBALATHANKUZHY, KANGAZHA, PIN-686 541.
15. **PAPPACHI, PALAKKULAM,**
AMBALATHANKUZHY, KANGAZHA, PIN- 686 541.
16. **KUNJOONJU, CHEMBOZHICKATTU,**
AMBALATHANKUZHY, KANGAZHA, PIN- 686 541.
17. **KUNJUMON, PALAKKUNNAM,**
AMBALATHANKUZHY, KANGAZHA, PIN- 686 541.
18. **CHERIAN THOMAS, S/O.CHERIAN,**
AGED 61 YEARS, RESIDING AT PALAKULATHU HOUSE,
KANGAZHA KARA, KANGAZHA VILLAGE, PIN-686 541.

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**19. SOSAMMA, W/O.CHERIAN THOMAS,
AGED 55 YEARS, RESIDING AT PALAKULATHU HOUSE,
KANGAZHA KARA, KANGAZHA VILLAGE, PIN-686 541.**

**R1 TO R3 SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR.
R6 BY ADV. SRI.SERGI JOSEPH THOMAS.
R4, R7, R8, R9, R11 & R12 BY ADVS. SRI.K.SHAJ,
SRI.SAJJU.S.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

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APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1. COPY OF THE JUDGMENT AND DECREE DATED 21.05.2003 IN OS.274/2002.

EXHIBIT P2. COPY OF THE JUDGMENT DATED 14.02.2006 IN WP(C).NO.3418/2006.

EXHIBIT P3. COPY OF THE JUDGMENT DATED 10.03.2008 IN OS.87/2006.

EXHIBIT P4. COPY OF THE JUDGMENT DATED 28.02.2011 IN AS.104/2008 IN THE COURT OF DISTRICT JUDGE, KOTTAYAM.

EXHIBIT P5. COPY OF THE PETITION DATED 05.10.2014 SUBMITTED TO THE 3RD RESPONDENT.

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

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.26920 of 2014

Dated this the 26th day of November 2015

J U D G M E N T

Shaffique, J

Petitioners have approached this Court seeking police protection in the matter relating to usage of a pathway. It is alleged that respondents 4 to 19, who are the neighbours of the petitioners, are trying to construct a road through the property of the petitioners.

2. It is submitted by the learned counsel for the petitioners that a suit as O.S.No.87/2006 was filed by respondents 4 to 19, which came to be dismissed, against which an appeal was filed as A.S.No.104/2008. The appeal was also dismissed. Thereafter also, respondents were threatening the petitioners with dire consequences.

3. It is submitted by the learned counsel appearing for respondents 4 to 19 that the suit and appeal referred above was filed by the 6th respondent. Another suit has been filed by the other respondents, which is still pending.

4. The facts being so, we do not think that any direction, as sought for, can be issued in this case. However, we only observe that if there is any law and order situation, it shall be open for the petitioners to approach the police, who shall look into the matter and take appropriate action, in accordance with law. The other rights of the parties are to be resolved by the Civil court.

This writ petition is disposed of as above.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/26/11/2015