

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 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 27822 of 2015 (C)

PETITIONER(S) :

1. JOSEPH ANTONY,
S/O.ANTONY, AGED 55,
CHERUVIL HOUSE, MUNDAKKAYAM P.O.,
PAINGANA BHAGOM, KOTTAYAM-686 513.
2. LUCYKUTTY JOSEPH,
AGED 50, W/O.JOSEPH ANTONY,
CHERUVIL HOUSE, MUNDAKKAYAM P.O.,
PAINGANA BHAGOM, KOTTAYAM-686 513.

BY ADVS.SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM
SRI.K.H.ANSAR

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, DEPARTMENT OF HOME AFFAIRS,
SECRETARIAT, STATUTE,
THIRUVANANTHAPURAM-695 001.
2. THE STATE POLICE CHIEF,
KOTTAYAM DISTRICT, KOTTAYAM,
PIN CODE-682 016.
3. THE DISTRICT POLICE CHIEF,
KOTTAYAM DISTRICT, KOTTAYAM,
PIN CODE - 682 016.
4. DEPUTY SUPERINTENDENT OF POLICE,
KANJIRAPPILLY, KOTTAYAM DISTRICT-686 016.
5. THE STATION HOUSE OFFICER,
MUNDAKKAYAM POLICE STATION,
KOTTAYAM, PIN-686 661.

WP(C) .No. 27822 of 2015

6. NAZEER B.ISMAIL,
AGED 56 YEARS S/O.ISMAIL
BUNGALAVUPARAMBIL (BADAYIL),
VELANILAMKARA, VELANILAM VILLAGE,
MUNDAKAYAM-686 110.

R1 TO R5 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 27822 of 2015

APPENDIX

PETITIONERS' EXHIBITS:

EXHIBIT P1: COPY OF COMMON JUDGMENT DATED 4.3.15 IN O.S.NO.154/06 AND O.S.NO.132/09 OF THE MUNSIFF COURT, KANJIRAPPILLY.

EXHIBIT P1(a): COPY OF DECREE DATED 4.3.15 IN O.S.NO.154/06 AND O.S.NO.132/09 OF THE MUNSIFF COURT, KANJIRAPPILLY.

EXHIBIT P2: COPY OF COMPLAINT DATED 22.8.15 SUBMITTED BEFORE THE 4TH RESPONDENT.

EXHIBIT P2(a): COPY OF ENGLISH TRANSLATION OF EXHIBIT P2.

EXHIBIT P3: COPY OF ACKNOWLEDGEMENT RECEIPT DATED 22.8.2015 OF EXHIBIT P2.

EXHIBIT P3(a): COPY OF ENGLISH TRANSLATION OF EXHIBIT P3.

/TRUE COPY/

PS TO JUDGE

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

W.P.(C) No.27822 of 2015

Dated this the 15th day of September 2015

J U D G M E N T

Shaffique, J.

The petitioners have approached this Court seeking for police protection. It is inter alia stated that the petitioners have obtained a judgment in O.S.No.132 of 2009, by which, a decree had been granted declaring the title of the petitioners in respect of the property and also a permanent prohibitory injunction had been granted restraining the defendants from trespassing into the property. The petitioners submit that despite the said judgment, there had been attempts to trespass into the property and though the petitioners had given Ext.P2 complaint, no action has been taken by the police. It is stated in Ext.P2 that trees in the property had been stolen by the private respondent.

2. Having regard to the aforesaid factual situation, we are of the view that if the petitioners seek for execution of the decree, it is for them to approach the civil court. However, it is submitted by the learned counsel for the petitioners that cognizable offences are committed in respect of the property by way of criminal trespass and theft.

-: 2 :-

3. Under such circumstances, of course, the police can interfere in the matter. Hence, we dispose of the writ petition without notice to the private respondent in the following manner :-

That the 4th respondent shall consider Ext.P2 complaint and conduct necessary enquiry into the matter and appropriate steps shall be taken in accordance with law.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**