

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 28072 of 2015 (H)  
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PETITIONER :  
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MUHAMMED KASSIM, S/O. ESMAIL KUNJU,  
AGED 48 YEARS, E.A. RAHIM MANZIL, NADAYARA,  
VARKALA VILLAGE, VARKALA TALUK,  
THIRUVANANTHAPURAM DISTRICT - 695 141.

BY ADV. SMT.P.M.SHIJI

RESPONDENTS :  
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1. THE STATE OF KERALA, REP. BY SECRETARY (LAW AND ORDER)  
GOVERNMENT SECRETARIAT, TRIVANDRUM - 01.
2. THE CIRCLE INSPECTOR OF POLICE,  
VARKALA CIRCLE STATION, VARKALA,  
THIRUVANANTHAPURAM - 695 141.
3. THE SUB INSPECTOR OF POLICE,  
VARKALA POLICE STATION, VARKALA,  
THIRUVANANTHAPURAM - 695 141.
4. RAMALA BEEVI, D/O.LATE ESMAIL KUNJU, AGED 42 YEARS,  
KONOTHU VEEDU, NADAYARA P.O., VARKALA VILLAGE,  
VARKALA TALUK, THIRUVANANTHAPURAM - 695 141.
5. SHAMSUDEEN, S/O.ABDUL KHADAR, AGED 62 YEARS,  
KONOTHU VEEDU, NADAYARA P.O., VARKALA VILLAGE,  
VARKALA TALUK, THIRUVANANTHAPURAM - 695 141.
6. BADHISHA S/O.LATE ESMAIL KUNJU, AGED 39 YEARS,  
N.F. MANZIL, UMayANALLOOR, KOTTIYAM,  
KOLLAM DISTRICT - 691 571.
7. SHAFFI, S/O.SHERIFF, AGED 30 YEARS,  
KUTTUVILA VEEDU, KALLUKUZHI,  
UMAYANALLOOR, KOTTIYAM, KOLLAM DISTRICT - 691 571.

8. KHADHEEJA BEEVI, D/O.LATE ESMAIL KUNJU, AGED 60 YEARS,  
KONOTHU VEEDU, NADAYARA P.O., VARKALA VILLAGE,  
VARKALA TALUK, THIRUVANANTHAPURAM - 695 141.
9. JAMEELA BEEVI, W/O.ABDUL RASSAC, AGED 50 YEARS,  
RAASHEED MANZIL, NADAYARA P.O., VARKALA VILLAGE,  
VARKALA TALUK, THIRUVANANTHAPURAM - 695 141.
10. THAJUNIZA, D/O.LATE ESMAIL KUNJU, AGED 48 YEARS,  
KUTTUVILA VEEDU, KALLUKUZHI, UMayANALLOOR,  
KOTTIYAM, KOLLAM DISTRICT - 691 571.
11. ABDUL RASSAC, S/O.ESMAIL KUNJU, AGED 56 YEARS,  
RASHEED MANZIL, NADAYARA, VARKALA VILLAGE,  
VARKALA TALUK, THIRUVANANTHAPURAM DISTRICT - 695 141.

R1 TO R3 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY THE VARKALA MUNICIPALITY IN FAVOUR OF THE PETITIONER DATED 28.10.2003.

EXT.P1(A) : ENGLISH TRANSLATION OF EXT.P1.

EXT.P2 : THE PROPERTY TAX RECEIPT ISSUED BY THE VARKALA MUNICIPALITY IN THE NAME OF THE PETITIONER DATED 29.04.2014.

EXT.P2(A) : ENGLISH TRANSLATION OF EXT.P2.

EXT.P3 : THE LAND TAX RECEIPT BY THE VILLAGE OFFICER, VARKALA.

EXT.P3(A) : ENGLISH TRANSLATION OF EXT.P3.

EXT.P4 : TRUE COPY OF THE DISCHARGE SUMMARY FROM MEDITRINA HOSPITALS KOLLAM.

EXT.P5 : TRUE COPY OF THE FIR NO.1217/2015 OF THE VARKALA POLICE STATION DATED 19.06.2015.

EXT.P5(A) : ENGLISH TRANSLATION OF EXT.P5.

EXT.P6 : TRUE COPY OF THE ACCIDENT REGISTER CUM WOUND CERTIFICATE ISSUED BY THE MEDICAL OFFICER TALUK HOSPITAL, VARKALA.

EXT.P6(A) : ENGLISH TRANSLATION OF EXT.P6.

EXT.P7 : TRUE COPY OF THE INTERIM ORDER OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VARKALA DATED 25.06.2015.

EXT.P8 : TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 10.09.2015.

EXT.P8(A) : ENGLISH TRANSLATION OF EXT.P8.

EXT.P9 : TRUE COPY OF THE ACKNOWLEDGEMENT CARD ISSUED BY VARKALA CIRCLE STATION DATED 11.09.2015.

EXT.P9(A) : ENGLISH TRANSLATION OF EXT.P9.

EXT.P10 : TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 10.09.2015.

EXT.P10(A) : ENGLISH TRANSLATION OF EXT.P10.

RESPONDENTS' EXHIBITS:

NIL

/TRUE COPY/

PA TO JUDGE

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

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W.P.(C) No. 28072 OF 2015  
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Dated this the 16<sup>th</sup> day of September, 2015

**JUDGMENT**

**Ashok Bhushan, C.J.**

Heard learned counsel for the petitioner and learned Government Pleader. No notice is being issued to respondent Nos. 4 to 11 in view of the order which is being passed.

2. Petitioner has filed the writ petition seeking police protection against the threat of respondent Nos.4 to 11. It is contended in the writ petition is that 4<sup>th</sup> respondent is the sister of the petitioner and other respondents are siblings and their spouses. Petitioner's case is that the respondents have an eye on his property and the residential building of the petitioner and respondents 5 to 11 are supporting and helping the 4<sup>th</sup> respondent to do illegal activities against the petitioner. The petitioner has filed O.S. No.235/2015 before Munsiff's Court, Varkala in which an injunction order was passed. Petitioner's case is that a complaint was also submitted before the police authorities and the last complaint being Ext.P10 dated 10.09.2015.

3. Learned Government Pleader submits that the suit having been filed already, it is appropriate for the petitioner to obtain orders from the Civil Court. Considering the facts of the present case we are of the view that in so far as the dispute between the parties regarding the property is concerned, the matter should be taken to the civil court. However, if any offence is attempted or committed against the petitioner by the party respondents, it shall be open for the petitioner to submit appropriate complaint before the 3<sup>rd</sup> respondent, who may look into the same and take such action as required by law.

With the above observation, the Writ Petition is closed.

**Ashok Bhushan,  
Chief Justice.**

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

WP(C) No. 28072 of 2015

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