

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 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C). No.30939 of 2014 (N)

PETITIONER(S):

**DR.SUMOD P.MATHEW, AGED 40 YEARS,
S/O MATHEW, PARAMBATHU HOUSE, MUTTAMON,
KUMBANADU, THIRUVALLA, PATHANAMTHITTA DISTRICT-689547.**

BY ADV. SRI.AJEESH K.SASI

RESPONDENT(S):

- 1. SUPERINTENDENT OF POLICE, PATHANAMTHITTA -689645.**
- 2. DEPUTY SUPERINTENDENT OF POLICE, PATHANAMTHITTA-689645.**
- 3. CIRCLE INSPECTOR OF POLICE,
KOZHENCHERRY POLICE STATION,
PATHANAMTHITTA DISTRICT-689641.**
- 4. S.I.OF POLICE,
KOIPURAM POLICE STATION,
PATHANAMTHITTA DISTRICT-689531.**
- 5. BIJU, PROPRIETOR,
STAR CONSULTANCY AND TRAVEL AGENCY,
MUTTAMON, KUMBANADU, THIRUVALLA-689547.**
- 6. SIVADASAN.M.K,
STAR AC AND REFRIGERATION, MUTTAMON,
KUMBANADU, THIRUVALLA-689547.**
- 7. THOMAS JOHN @ JOY,
QUEENS BAKERY, MUTTAMON, KUMBANADU,
THIRUVALLA-689547.**

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- 8. ZACHARIA JOHN @ SUNNY,
QUEENS BAKERY, MUTTAMON, KUMBANADU,
THIRUVALLA-689547.**
- 9. M.J.VARGHESE @ SUNNY,
MANNIL HOUSE, MUTTAMON, KUMBANADU,
THIRUVALLA-689547.**
- 10. M.Y.MAMMAN @ MATHEN,
MANNIL HOUSE, MUTTAMON, KUMBANADU,
THIRUVALLA-689547.**

**R5 TO R10 BY ADVS. SRI.PHARIDAS
SMT.S.SIKKY**

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

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

- P1:- COPY OF THE INTERIM ORDER OF INJUNCTION IN OS. NO.348/2012 DATED 4.8.2012 OF MUNSIFF COURT, THIRUVALLA ALONG WITH ENGLISH TRANSLATION.
- P2:- COPY OF THE COMPLAINT DATED 11.10.2014 SUBMITTED BEFORE THE 4TH RESPONDENT.
- P3:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE SECOND RESPONDENT DATED 14.10.2014.
- P4:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE FIRST RESPONDENT DATED 16.10.2014.

RESPONDENTS' EXHIBITS:

- R5(A):- COPY OF THE PHOTOGRAPHS SHOWING THE PATHWAY, BUILDING OCCUPIED BY THESE RESPONDENTS AND RESIDENT OF THE PETITIONER.
- R5(B):- COPY OF THE TITLE DEED DATED 26.7.2010.
- R5(C):- TRANSLATION OF THE DESCRIPTION OF PATHWAY THESE RESPONDENTS RELY ON (AS GIVEN IN PAGE NO.8 OF 5(B)).
- R5(D):- COPY OF THE PETITION DATED 10.11.2014 FOR SETTING ASIDE THE EX-PARTE ORDER.

KRJ

//TRUE COPY// P.A TO JUDGE

ASHOK BHUSHAN, C.J

&

A.M.SHAFFIQUE, J.

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W.P(C) No.30939 of 2014

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Dated this the 3rd day of December, 2015

JUDGMENT

Shaffique, J

Petitioner has approached this Court seeking police protection alleging that respondents 5 to 10 are threatening the petitioner and causing obstruction to the pathway, which leads to his property. According to the petitioner, he had filed suit as O.S No.348 of 2012 before the Munsiff's Court, Thiruvalla and an interim order of injunction has been passed.

2. Respondents 5 to 10 have filed counter affidavit, *inter alia*, stating that they have not caused any obstruction, they are only parking vehicles by the side of the road and in front of their business premises. They have not caused obstruction to the free movement of the petitioner through the pathway.

3. Facts being so, we do not think that police should interfere with such civil dispute. Accordingly, the writ petition is dismissed.

sd/-

**ASHOK BHUSHAN
CHIEF JUSTICE**

sd/-

**A.M.SHAFFIQUE
JUDGE**

krj.3/12/15

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P.Ato Judge