

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 30761 of 2015 (U)

PETITIONER :

RAIMOND MIRANDA, AGED 72 YEARS,
S/O. JOHN MIRANDA, TC 34/868,
MATHEW BHAVAN, VALLAKKADAVU P.O.,
THIRUVANANTHAPURAM, PIN : 695 008.

BY ADV. SRI.AJAYA KUMAR. G

RESPONDENTS :

1. STATE OF KERALA, REPRESENTED BY SECRETARY,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. ASSISTANT COMMISSIONER OF POLICE,
SHANMUGHAM, OFFICE OF THE ASSISTANT COMMISSIONER
OF POLICE, SHANMUGHAM, THIRUVANANTHAPURAM - 695 001.
3. CIRCLE INSPECTOR OF POLICE, OFFICE OF THE
CIRCLE INSPECTOR OF POLICE, POONTHURA,
THIRUVANANTHAPURAM - 695 001.
4. SUB INSPECTOR OF POLICE, VALIYATHURA POLICE STATION,
VALIYATHURA, THIRUVANANTHAPURAM - 695 001.
5. TREESA, D/O.VALLOORIYAN, AGE NOT KNOWN,
CARGO CONVENT ROAD, VALIYATHOPPU,
THIRUVANANTHAPURAM 0 695 008.
6. KOCHUMOL, D/O.TREESA, AGE NOT KNOWN,
CARGO CONVENT ROAD, VALIYATHOPPU,
THIRUVANANTHAPURAM 0 695 008.
7. KOCHURANI, D/O.TREESA, AGE NOT KNOWN,
CARGO CONVENT ROAD, VALIYATHOPPU,
THIRUVANANTHAPURAM 0 695 008.
8. VINU, AGE AND FATHERS NAME NOT KNOWN TO
THE PETITIONER, CARGO CONVENT ROAD, VALIYATHOPPU,
THIRUVANANTHAPURAM 0 695 008.

R1 TO R4 BY SR. GOVERNMENT PLEADER, SRI. P.I. DAVIS.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE PETITION FILED BY THE PETITIONER AND HIS DAUGHTER TO THE REVENUE DIVISIONAL OFFICER.

EXT.P2 : TRUE ENGLISH TRANSLATION OF EXT.P1.

EXT.P3 : TRUE COPY OF THE ORDER DATED 24.04.2013 OF THE SUB DIVISIONAL MAGISTRATE, THIRUVANANTHAPURAM.

EXT.P4 : TRUE ENGLISH TRANSLATION OF EXT.P3.

EXT.P5 : TRUE COPY OF THE ORDER DATED 18.08.2014 IN M.C. 3/138/14.

EXT.P6 : TRUE ENGLISH TRANSLATION OF EXT.P5.

EXT.P7 : TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 23.03.2015 IN W.P.(C) No. 9020/2015.

EXT.P8 : TRUE COPY OF THE COMPLAINT DATED 21.04.2015 SUBMITTED BEFORE THE 4TH RESPONDENT BY THE PETITIONER.

EXT.P9 : TRUE COPY OF THE ORDER DATED 24.03.2015 No. MC 3/138/14.

EXT.P10 : TRUE COPY OF THE PETITION SUBMITTED TO THE 3RD RESPONDENT DATED 05.09.2015.

EXT.P11 : TRUE ENGLISH TRANSLATION OF EXT.P10.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 30761 OF 2015

Dated this the 16th day of October, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and learned Government Pleader. No notice is being issued to respondent Nos. 5 to 8 in view of the order which is being passed.

2. Petitioner has come up with this writ petition seeking a direction to respondents 1 to 4 to afford sufficient and meaningful police protection to the life of the petitioner and also to enforce the order of the Executive Magistrate to remove obstruction caused to the ingress and egress to the petitioner's residential house by respondents 5 to 8.

3. Learned counsel for the petitioner submitted that after filing of the writ petition, obstruction has been removed. However he apprehends that respondents may again create obstruction.

4. The Magistrate, in exercise of the power under Section 136 of Criminal Procedure Code, has already passed an

order on 24.04.2013 which, according to the petitioner, has now been complied with. We see no reason to issue any direction in the present writ petition. However, we only observe that if there is any fresh cause of action, it shall be open for the petitioner to take such appropriate action as required by law.

The Writ Petition is closed with the above observation.

**Ashok Bhushan,
Chief Justice.**

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