

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. 31561 OF 2015 (U)

PETITIONER(S):

LILLY GEORGE, D/O. NHANAMMA,
G.L. COTTAGE, KACHERI WARD,
NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH

RESPONDENT(S):

1. THE SUB INSPECTOR OF POLICE,
ARYANCODE, THIRUVANANTHAPURAM - 695 513.
2. THE SUPERINTENDENT OF POLICE, NEYYATTINKARA,
THIRUVANANTHAPURAM - 695 121.
3. G. VALSALAM
S/O JNANABHARANAM,
RESIDING AT 'USHAUS', YMR JUNCTION,
NANTHANCODE, THIRUVANANTHAPURAM- 695 011.
4. JNANADAS,
S/O JNANABHARANAM,
RESIDING AT MURUTHAMCODE,
CHEMBUR, P.O. MANNAMKONAM,
THIRUVANANTHAPURAM - 695 125.
5. STEPHENSON
S/O. VEDANAYAKAM,
RESIDING AT MURUTHAMCODE,
CHEMBUR, P.O. MANNAMKONAM,
THIRUVANANTHAPURAM - 695 125.
6. ANNFRANKLIN RUSSEL,
S/O RASALAM,
RESIDING AT CHILAMBARA PANAYATHARA
MANNAMCODE P.O, THIRUVANANTHAPURAM - 695 125.

R1 & 2 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

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- EXHIBIT P1 - TRUE COPY OF THE INJUNCTION IN I.A. NO.3703/20125 IN O.S. 725/2015 PASSED BY PRINCIPAL MUNSIF COURT-1, NEYYATTINKARA AND TRANSLATION.
- EXHIBIT P2 - TRUE COPY OF THE AFFIDAVIT WITH PETITION FILED BY THE PETITIONER BEFORE THE PRINCIPAL MUNSIF COURT-1, NEYYATTINKARA AND TRANSLATION.
- EXHIBIT P3 - TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY RESPONDENTS 3 TO 6 AND TRANSLATION.
- EXHIBIT P4 - TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 18.7.2015 AND TRANSLATION.

RESPONDENT'S EXHIBITS

NIL.

// TRUE COPY //

P.A. TO JUDGE

Sou.

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

W.P(C). No. 31561 of 2015

Dated this the 16th day of October, 2015

JUDGMENT

Shaffique, J

Petitioner has approached this court seeking police protection inter alia contending that respondents 3 to 6 and their men who are having property on the boundary of the petitioner's property, which is a rubber plantation, are causing obstruction to the petitioner and her workers from taking yield from the property.

2. The petitioner has already filed a suit, in which an interim injunction has been granted as per order dated 18.7.2015 in I.A. No.3703/2015 in O.S.No.725 of 2015. It is stated that despite the order of injunction, respondents 3 to 6 are still obstructing the petitioner from carrying on agricultural operation in her property. The petitioner has also filed I.A. No.4075 of 2015 seeking for enforcement of the injunction order with police protection. The petitioner submits that since

the said application is pending consideration and no orders are being passed, though complaint has been given to police no action has been taken. Under such circumstances, this writ petition is filed.

3. The petitioner has already moved the civil court and had obtained interim injunction and also filed an application seeking police protection. We do not think it is proper for this court to pass any orders as the petitioner has already approached the civil court. It is always open for the civil court to consider the application and pass appropriate orders in accordance with law. The petitioner can approach the civil court for early disposal of the said application.

With the above observation the writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE

SOU.