

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

WP(C).No. 31787 of 2015 (W)

PETITIONER :

**SUMATHI, AGED 80 YEARS, W/O.LATE VASUDEVAN,
SURYAMANGALATH VEEDU, EDAMON 34, AYIRANALLOOR.P.O.,
EDAMON VILLAGE.**

**BY ADVS.SRI.S.ABHILASH
SRI.K.SIJU**

RESPONDENT(S):

- 1. DISTRICT POLICE CHIEF, KOLLAM RURAL,
KOTTARAKKARA-691 506**
- 2. DEPUTY SUPERINTENDENT OF POLICE,
PUNALUR-691 305**
- 3. THE CIRCLE INSPECTOR OF POLICE,
KULATHUPUZHA.**
- 4. THE SUB INSPECTOR OF POLICE, THENMALA.**
- 5. AJAYAGOSH, AGED 58 YEARS, S/O.LATE VASUDEVAN,
AJEESH BHAVAN, KALAYANAD, PLACHERRY.P.O.,
NEAR ADIVAYALIL MOORTHIKAVU, PUNALUR.**
- 6. SASIKALA, AGED 50 YEARS, W/O. AJAYAGOSH,
AJEESH BHAVAN, KALAYANAD, PLACHERRY.P.O,
(NEAR ADIVAYALIL MOORTHIKAVU), PUNALUR.**
- 7. AJEESH AJAYAN, AGED 27 YEARS, S/O. AJAYAGOSH,
AJEESH BHAVAN, KALAYANAD, PLACHERRY.P.O,
(NEAR ADIVAYALIL MOORTHIKAVU), PUNALUR**
- 8. MAYA AJEESH, AGED 25 YEARS, W/O. AJEESH AJAYAN,
AJEESH BHAVAN, KALAYANAD, PLACHERRY.P.O.,
(NEAR ADIVAYALIL MOORTHIKAVU), PUNALUR.**

R1 TO R4 BY GOVERNMENT PLEADER SRI.SUJITH MATHEW

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE SETTLEMENT DEED NO.3307/1986 OF PUNALUR SRO.**
- P1(A) THE ENGLISH TRANSLATION OF EXT.P1**
- P2 COPY OF THE PETITION FILED U/S. 12 (1) OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005**
- P2(A) THE ENGLISH TRANSLATION OF EXT.P2**
- P3 COPY OF THE INTERIM ORDER IN CRL.M.P.NO.1918/2015**
- P4 COPY OF THE COMPLAINT FILED BY THE PETITIONER DATED 17/6/2015**
- P4(A) THE ENGLISH TRANSLATION OF EXT.P4**
- P5 COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT**
- P6 COPY OF THE FIR NO.656/2015**
- P6(A) THE ENGLISH TRANSLATION OF EXT.P6**
- P7 COPY OF THE COMPLAINT FILED BEFORE THE 1ST RESPONDENT**
- P7(A) THE ENGLISH TRANSLATION OF EXT.P7**
- P8 COPY OF THE CRL.M.P.NO.43/2015 FILED BEFORE THE JFMC-1, PUNALUR**
- P8(A) THE ENGLISH TRANSLATION OF EXT.P8**
- P9 COPY OF THE REPORT SUBMITTED BY THE VILLAGE OFFICER, EDAMON TO THE RDO, KOLLAM DATED 28/9/2015**
- P9(A) THE ENGLISH TRANSLATION OF EXT.P9**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 31787 of 2015

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Dated this, the 19th day of October, 2015

J U D G M E N T

Shaffique, J.

Petitioner, a lady aged 80 years, has approached this Court seeking police protection. It is *inter alia* contended that her son and his family are threatening the petitioner and are also engaged in such illegal activities by which she is unable to live peacefully in the portion of the property belonging to her. Though complaints were given to the police, no action has been taken in the matter and hence this writ petition is filed.

2. Learned Government Pleader on instructions would submit that on enquiry by the police regarding complaints, it was noticed that there is frequent quarrel among the petitioner as well as the 5th respondent. One of the complaints was that petitioner was not permitted to use toilet as she was residing in a portion of the shop room. Police had intervened in the matter and had

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directed the 5th respondent to provide necessary facility for the petitioner to use toilet and thereafter no untoward incident has been reported. Learned Government Pleader also submits that there is frequent quarrels between the mother and son and the police is keeping a constant vigil on their activities.

3. Learned counsel for the petitioner would however submit that though the police had intervened in the matter, the petitioner is not provided the facility to use the toilet even now.

Having regard to the nature of contentions urged by the petitioner and after hearing the learned Government Pleader, we are of the view that this writ petition can be disposed of as under:-

(i) Police shall keep a constant vigil on the activities of the petitioner as well as respondents 5 to 8 and ensure that no offence is being committed or no nuisance is caused to the petitioner.

(ii) If there is any complaint from the petitioner, police

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shall immediately take up the matter and after conducting necessary enquiry, needful shall be done.

(sd/-)

ASHOK BHUSHAN, CHIEF JUSTICE

(sd/-)

A.M. SHAFFIQUE, JUDGE

True Copy PS to Judge

Rp

19/10/2015