

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 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C).No. 32930 of 2015 (M)

PETITIONER(S) :

M.CHANDRASEKHARAN NAIR, AGED 60 YEARS,
S/O.K.C.NAIR, NEAR COLLECTOR BENGALAVU, WEST HILL,
KACHERI AMSOM DESOM, KOZHIKODE TALUK, PIN- 673 005.

BY ADV. SRI.E.NARAYANAN

RESPONDENT(S) :

1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
THE DEPARTMENT OF URBAN AFFAIRS, SECRETARIAT,
THIRUVANANTHAPURAM- 01.
2. THE DISTRICT POLICE CHIEF, KOZHIKODE CITY,
MANANCHIRA, KOZHIKODE, PIN- 673 001.
3. THE SUB INSPECTOR OF POLICE,
VELLAYIL KOZHIKODE, PIN- 673 011.
4. K.V.VALSAKUMAR, AGED 57 YEARS,
S/O.K.S.VISHNUBATT, MADATHIL (H), CHEVARAMBALAM,
CHEVAYUR AMSOM DESOM, KOZHIKODE TALUK, PIN- 673 0171.
5. A.JAYARAJAN, AGED 59 YEARS,
S/O.BHASKARAN NAIR, JANU HOUSE, WEST HILL,
KOZHIKODE, PIN- 673 005.
6. SUNDARAN.I, AGED 59 YEARS,
S/O.PERAVAKUTTY, SREEHARI, WEST HILL,
KOZHIKODE TALUK, PIN- 673 005.
7. SHAJAN, S/O.GOVINDAN,
THOPPAYIL (H), PUTHIYANGADI AMSOM DESOM,
KOZHIKODE TALUK, PIN- 673 021.

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- 8. BINESHKUMAR, AGED 44 YEARS,
S/O.SOMAN, NAROTH (H), KARUVISSERI,
VENGERI AMSOM DESOM, KOZHIKODE TALUK, PIN- 673 010.**

R1 TO R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE TRUST DEED DATED 13.09.2007.

EXHIBIT P2: TRUE COPY OF THE PLAINT IN O.S.NO.332/15 ON THE FILE OF THE MUNSIF COURT KOZHIKODE 1(A).

EXHIBIT P3: TRUE COPY OF THE COMMON ORDER DATED 11.08.2015 PASSED IN I.A.NO.1823/2015 AND I.A.NO.2445/2015 ON THE FILE OF THE MUNSIF COURT KOZHIKODE 1(A).

EXHIBIT P4: TRUE COPY OF THE INTERIM ORDER PASSED IN W.P.(C).NO.24644/2015 DATED ON 12.08.2015.

EXHIBIT P5: TRUE COPY OF THE RELEVANT PAGE CONTAINING THE ENDORSEMENT OF THE SHO VELLAYIL POLICE STATION EVIDENCING THE RECEIPT OF THE EXHIBIT P4 ORDER ON THE DELIVERY BOOK.

EXHIBIT P6: TRUE COPY OF THE REPRESENTATIONS SUBMITTED BY THE PETITIONER BEFORE THE SHO VELLAYIL AND THE DISTRICT POLICE CHIEF KOZHIKODE DATED 13.08.2015 & TRANSLATION OF SAME.

EXHIBIT P7: TRUE COPY OF THE COMPLAINT DATED 30.09.2015 SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT POLICE CHIEF, KOZHIKODE & TRANSLATION OF SAME.

EXHIBIT P8: TRUE COPY OF THE REPRESENTATION DATED 20.10.2015 SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT POLICE CHIEF & TRANSLATION OF SAME.

EXHIBIT P9: TRUE COPY OF THE ACKNOWLEDGMENT CARD DATED 21.10.2015 ACKNOWLEDGING THE RECEIPT OF EXHIBIT P8.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

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

W.P.(C)No.32930 of 2015

Dated this the 30th day of October, 2015.

J U D G M E N T

SHAFFIQUE, J.

The petitioner has approached this Court seeking police protection inter alia alleging that though he is in possession of an order of prohibitory injunction against respondents 4 to 8, the police is not interfering in the matter and is not enforcing the order.

2. In so far as the order of injunction from the civil court is there, if there is non compliance of the said order, the remedy of the petitioner is to approach the civil court seeking to enforce the order and the civil court can consider the rival contentions and pass appropriate orders including the directions to the police to enforce the order. We do not think that this Court will have to interfere in such matters at this stage of the proceedings. Accordingly, we dismiss the

petition with liberty to the petitioner to approach the civil court.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge