

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 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

WP(C).No. 33254 of 2015 (F)

PETITIONER(S):

1. MANGATIL SUBRAMANIAN,
AGED 60 YEARS, S/O.KRISHNAN, EZHAVANTHIRUTHI AMSOM,
ERIKKAMANNA DESOM, PONNANI TALUK.
2. RADHA, W/O.SUBRAMANIAN,
AGED 53 YEARS, EZHAVATHIRUTHI AMSOM,
ERIKKAMANNA DESOM, PONNANI TALUK.

BY ADVS.SRI.C.KHALID
SRI.T.V.MAMMOOTTY
SRI.N.A.JOSEPH
SRI.K.P.MOHAMED SHAFI
SMT.K.S.HASEENA
SRI.PHIJO PRADEESH PHILIP
SMT.K.REEHA KHADER

RESPONDENT(S):

1. PATHAYA PARAMBIL AMMINI,
AGED 70 YEARS, W/O.KITTUNNI,
PATHAYA PARAMBIL HOUSE,
EZHAVATHIRUTHI AMSOM, ERIKKAMANNA DESOM,
PONNANI TALUK-679577.
2. PATHAYA PARAMBIL KRISHNAN,
AGED 80 YEARS, S/O.VELAPPAN,
PATHAYA PARAMBIL HOUSE,
EZHAVATHIRUTHI AMSOM, ERIKKAMANNA DESOM,
PONNANI TALUK-679577.
3. PATHAYA PARAMBIL SANTHOSH,
AGED 45 YEARS, S/O.KRISHNAN,
PATHAYA PARAMBIL HOUSE,
EZHAVATHIRUTHI AMSOM, ERIKKAMANNA DESOM,
PONNANI TALUK-679577.

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....2/-

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4. PATHAYA PARAMBIL MANIKANDAN,
AGED 40 YEARS, S/OKRISHNAN,
PATHAYA PARAMBIL HOUSE,
EZHAVATHIRUTHI AMSOM, ERIKKAMANNA DESOM,
PONNANI TALUK-679577.
5. PATHAYA PARAMBLIL SUDEESH,
AGED 38 YEARS, S/O.KRISHNAN,
PATHAYA PARAMBIL HOUSE,
EZHAVATHIRUTHI AMSOM, ERIKKAMANNA DESOM,
PONNANI TALUK-679577.
6. PATHAYA PARAMBIL PADMANABHAN,
AGED 50 YEARS, S/O.KUNJAN,
PATHAYA PARAMBIL HOUSE,
EZHAVATHIRUTHI AMSOM, ERIKKAMANNA DESOM,
PONNANI TALUK-679577.
7. PATHAYA PARAMBIL SUBRAMANIAN @ DASAN,
AGED 60 YEARS, S/O.RAMU,
PATHAYA PARAMBIL HOUSE,
EZHAVATHIRUTHI AMSOM, ERIKKAMANNA DESOM,
PONNANI TALUK-679577.
8. PATHAYA PARAMBIL KANNAN,
AGED 20 YEARS, S/O.SADANANTHAN,
PATHAYA PARAMBIL HOUSE,
EZHAVATHIRUTHI AMSOM, ERIKKAMANNA DESOM,
PONNANI TALUK-679577.
9. DISTRICT SUPERINTENDENT OF POLICE, MALAPPURAM-66505.
10. SUB INSPECTOR OF POLICE, PONNANI-679577.

R9 & 10 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PJ

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APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. COPY OF THE COMPLAINT BEFORE DISTRICT SUPERINTENDENT OF
POLICE MALAPPURAM ON 15-7-14**

**EXHIBIT P2. COPY OF THE COMPLAINT BEFORE SUB INSPECTOR OF POLICE,
PONNANI DATED 11/10/15 WITH ENGLISH TRANSLATION**

EXHIBIT P3. COPY OF THE PHOTOGRAPH

EXHIBIT P4. COPY OF THE PHOTOGRAPH

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.33254 of 2015

Dated this the 6th day of November 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioners and the learned Government Pleader. No notice is being issued to respondents 1 to 8 in view of the judgment being passed today.

2. By this writ petition, the petitioners have prayed for a direction to the police officers to afford proper and adequate police protection to the petitioners from respondents 1 to 8. The civil suit filed by the petitioners against respondents 1 to 8 has already been dismissed, against which the petitioners have filed an appeal being A.S.No.103/2011, which is pending.

3. The learned Government Pleader, on instructions, would submit that the dispute between the parties is regarding a pathway.

4. We are of the view that since the appeal A.S.No.103/2011 is pending, it is open for the petitioners to seek such relief in the pending appeal, as may be advised. It is also

open for the petitioners to file a complaint, as and when any offence is attempted or committed.

With the above observation, this writ petition is closed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/06/11/2015

