

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH**

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WP(C).No. 33889 of 2015 (I)

PETITIONER:

**GEORGE JOSEPH, AGED 69 YEARS,
S/O. ANTONY, THEAKKUMKATTIL HOUSE, PANGADA P.O.
PAMPADY, KOTTAYAM DISTRICT.**

BY ADV. SMT.V.SETHUKUTTY AMMA

RESPONDENTS:

- 1. JOSEPH ANTONY
S/O. ANTONY, THEAKKUMKATTIL HOUSE, PANGADA P.O.
PAMPADY, KOTTAYAM DISTRICT-686 601.**
- 2. JAMES ANTONY
S/O. ANTONY, THEAKKUMKATTIL HOUSE, PANGADA P.O.
PAMPADY-686 601.**
- 3. SUB INSPECTOR OF POLICE
WEST POLICE STATION, KOTTAYAM-686 501.**

R3 BY SR. GOVERNMENT PLEADER SRI.C.R. SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF THE AGREEMENT DATED 10-4-1990.
- EXT.P1(a): COPY OF THE ENGLISH TRANSLATION OF EXT.P1.
- EXT.P2: COPY OF THE PETITION DATED 12.10.2015 TO THE 3RD RESPONDENT.
- EXT.P2(a): COPY OF ENGLISH TRANSLATION OF EXT.P2.
- EXT.P3: PHOTO'S COPY OF ENTRY OF CAR THROUGH THE WAY PROVIDED.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

vpv

P.N.RAVINDRAN & BABU MATHEW P. JOSEPH, JJ.

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W.P.(C)No.33889 of 2015

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Dated this the 9th day of November, 2015

JUDGMENT

P.N.Ravindran, J.

The petitioner is the elder brother of respondents 1 and 2. He has filed this writ petition for an order directing the third respondent, the Sub Inspector of Police, Kottayam to afford adequate Police protection to him to carry out repair works to his building. A reading of Ext.P1 agreement between the parties as also Ext.P2 complaint submitted by the petitioner discloses that the dispute involved in the instant writ petition is a civil dispute. What the petitioner really seeks is an enforcement of Ext.P1 agreement. If respondents 1 and 2 have resiled from the said agreement, the remedy of the petitioner in our opinion lies elsewhere. We therefore find no good grounds to entertain the instant writ petition. It fails and is accordingly dismissed but without prejudice to the right of the petitioner to move the competent civil court seeking appropriate reliefs.

Sd/-

**P.N.RAVINDRAN
JUDGE**

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

/true copy/

P.A. To Judge