

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

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

**FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936**

**WP(C).No. 35285 of 2014 (I)**  
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**PETITIONER(S) :**  
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- 1. LALY JACOB, AGED 53 YEARS,  
W/O.T.J JACOB, THYPARAMPIL HOUSE, MANJADI P.O,  
KUTTAPUZHA VILLAGE, KATTODU, THIRUVALLA.**
- 2. MARIAMMA CHACKO, AGED 75 YEARS,  
W/O.LATE CHACKO, RESIDING AT CHOORAKKATTU CHIRAMEL,  
MANJADI P.O, KUTTAPUZHA VILLAGE, KATTODU, THIRUVALLA.**

**BY ADV. SRI.K.SHAJ**

**RESPONDENT(S) :**  
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- 1. THE DISTRICT POLICE CHIEF,  
PATHANAMTHITTA- 689 645.**
- 2. THE CIRCLE INSPECTOR OF POLICE,  
THIRUVALLA- 689 612**
- 3. THE SUB INSPECTOR OF POLICE,  
THIRUVALLA- 689 612.**
- 4. STATE OF KERALA,  
REPRESENTED BY THE DISTRICT COLLECTOR, COLLECTORATE,  
PATHANAMTHITTA- 689 645.**
- 5. THE TAHASILDAR,  
TALUK OFFICE, THIRUVALLA, PATHANAMTHITTA- 689 612.**
- 6. THE VILLAGE OFFICER,  
VILLAGE OFFICE, KUTTAPUZHA, THIRUVALLA,  
PATHANAMTHITTA- 686 612.**
- 7. DISTRICT SURVEY SUPERINTENDENT,  
COLLECTORATE, PATHANAMTHITTA- 689 645.**

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- 8. TALUK SURVEYOR,  
TALUK OFFICE, THIRUVALLA, PATHANAMTHITTA- 689 612.**
- 9. ST.MARY'S KNANAYA CHURCH, KATTODU,  
MANJADI P.O, THIRUVALLA, PATHANAMTHITTA,  
RPERESNTED BY ITS SECRETARY- 689 612.**

**R1 TO R8 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN  
R9 BY ADVS. SRI.P.HARIDAS  
SMT.S.SIKKY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

Msd.

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXHIBIT P1:** THE TRUE COPY OF THE PLAINT IN O.S NO.589/2014 OF THE MUNSIFF'S COURT, THIRUVALLA.
- EXHIBIT P2:** THE TRUE COPY OF I.A NO.2953/2014 IN O.S NO.589/2014 ON THE FILE OF THE MUNSIFF'S COURT, THIRUVALLA.
- EXHIBIT P3:** THE TRUE COPY OF THE COMMISSION REPORT IN O.S NO.589/2014 DATED 17/12/2014.
- EXHIBIT P4:** THE TRUE COPY OF JUDGMENT DATED 20/12/2014 IN O.P.(C) NO.3092/2014 OF THIS HON'BLE COURT.
- EXHIBIT P5:** THE TRUE COPY OF THE REPRESENTATION DATED 21/12/2014 SUBMITTED BY THE PETITIONERS TO THE FIRST RESPONDENT.

**RESPONDENT(S)' EXHIBITS**  
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- EXHIBIT R9(A):** TRUE COPY OF THE TAX RECEIPT DATED 13.10.2014.
- EXHIBIT R9(B):** TRUE COPY OF THE RELEVANT PAGE OF TANDAPPER REGISTER.
- EXHIBIT R9(C):** TRUE COPY OF THE POSSESSION CERTIFICATE DATED 20.10.2014.
- EXHIBIT R9(D):** TRUE COPY OF THE OBJECTION TO EXHIBIT P-1 DATED 13.01.2015.

**//TRUE COPY//**

**P.A.TO JUDGE.**

Msd.

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

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W.P.C.No.35285 of 2014

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Dated this the 23<sup>rd</sup> day of January 2015

**J U D G M E N T**

**Ashok Bhushan, Ag.CJ**

This *writ petition* has been filed seeking police protection. Following reliefs have been claimed in the writ petition:

*“A) to issue a writ of mandamus or any other appropriate writ order or direction directing respondents 1 to 3 to provide adequate protection to the life of the petitioners and to the suit property in Exhibit P1 suit and to ensure the implementation of Exhibit P4 judgment of this Hon'ble Court and also to ensure that the status quo of the suit property is not altered by the 9<sup>th</sup> respondent church and its members;*

*B) to direct respondents 1 to 3 to take action pursuant to Exhibit P5 representation.”*

2. According to the pleadings in the *writ petition*, petitioner has already filed O.S.No.589/2014, in which an order of status quo has been passed. The allegation is that

in spite of the said order, the right of the petitioners to utilise the property is being interfered with.

3. The matter being already engaging the attention of the Civil Court, we see no reason to issue any order of police protection in this writ petition. In the event there is any violation of the interim order of status quo, it is open for the petitioner to seek appropriate relief from the Civil Court, as permissible under law.

With these observations, this *writ petition* is closed.

(sd/-)

**(ASHOK BHUSHAN,  
ACTING CHIEF JUSTICE)**

(sd/-)

**(A.M.SHAFFIQUE, JUDGE)**

jsr





