

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

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C) .No. 35335 of 2014 (N)  
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PETITIONER :-  
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SHIBY VARGHESE AGED 35 YEARS  
S/O.GEEVARGHESE, ERUMALA, EUUKNNAM KARA  
ASAMANNUR VILLAGE, KUNNATHUNADU TALUK, ERNAKULAM DIST  
PIN-683549

BY ADVS.SRI.C.AJITH KUMAR (KALLESSERIL)  
SRI.C.Y.VINOD KUMAR

RESPONDENTS :-  
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1. STATE OF KERALA REP BY THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT  
SECRETARIATE, THIRUVANANTHAPURAM-695001
2. THE DY. SUPERINTENDENT OF POLICE,  
RURAL, ALUVA, ERNAKULAM DIST, PIN-683101
3. THE SUB INSPECTOR OF POLICE  
KURUPPAMPADY POLICE STATION, ERNAKULAM DIST, PIN-683549
4. E T JOHN  
S/O.OUSEPH, ERUMALA, EKKUNNAM KARA  
ASAMANNUR VILLAGE, KUNNATHUNADU TALUK, ERNAKULAM DIST-683549
5. ELIAMMA JOHN  
W/O.E T JOHN, ERUMALA, EKKUNNAM KARA  
ASAMANNUR VILLAGE, KUNNATHUNADU TALUK, ERNAKULAM DIST - 683549

R1 TO R3 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03-03-  
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 35335 of 2014 (N)

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APPENDIX

PETITIONER(S) ' EXHIBITS :-

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P1:-TRUE COPY OF THE COMPLAINT DTD 21/12/2014 SUBMITTED BY THE PETITIONER  
BEFORE THE 3RD RESPONDENT.

RESPONDENT(S) ' EXHIBITS :- NIL

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//TRUE COPY//

P.A. TO JUDGE

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

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**W.P.(C) No.35335 of 2014**  
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**Dated this the 3<sup>rd</sup> day of March 2015**

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

**Shaffique, J.**

The writ petition is filed seeking police protection inter alia contending that the 4<sup>th</sup> respondent, who was a retired police officer is unnecessarily trespassing into the petitioner's property on the ground that there is a boundary dispute.

2. It is pointed out that there was some dispute between the petitioner's father and the 4<sup>th</sup> respondent in respect of another item of property, in which, the 4<sup>th</sup> respondent had obtained a decree. According to the petitioner, he is in possession of an extent of 19.15 Ares of property in Block No.15, Re-survey No.103/1-5 of Asamannur Village, Kunnathunadu Taluk. According to him, he has no dispute with the 4<sup>th</sup> respondent, but being a retired police officer, he is using muscle power and trespassing into the property of the petitioner by demolishing the boundary wall. Though the petitioner had filed a complaint before the police, no action has been taken in the matter.

-: 2 :-

3. Having regard to the aforesaid submission, the learned counsel appearing for respondents 4 and 5 submits that they are not creating any nuisance as alleged. It is submitted that there is not even a boundary dispute and this writ petition is unnecessarily filed.

4. Having regard to the fact that the petitioner has an apprehension that the 4<sup>th</sup> respondent, being a retired police officer, may take law into his own hands, we observe that if there is any offence being committed or attempt to commit offence, on the complaint of the petitioner, the 3<sup>rd</sup> respondent shall look into the matter and do the needful in accordance with law.

With the above observation, this writ petition is closed.

**Sd/-**  
**ASHOK BHUSHAN**  
**Ag. CHIEF JUSTICE**

**Sd/-**  
**A.M. SHAFFIQUE**  
**JUDGE**