

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

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 35570 of 2014 (U)

PETITIONER :

M/S ECO GEEN PLANTATIONS PVT LTD
A COMPANY INCORPORATED IN INDIA HAVING ITS REGISTERED
OFFICE AT PRESENT AT ANANDALAKSHMI
21 MERCY GARDENS, ELAMAKKARA P.O.
KOCHI-682 026 REPRESENTED BY ITS DIRECTOR
BASTIN JAISON LOIUS, AGED 57 YEARS
S/O.LAWRENCE LOIUS RESIDING AT FLAT 1, ROOTS ENCLAVE
SRM ROAD, ERNAKULAM-682016.

BY ADV. SMT.P.RANI DIOTHIMA

RESPONDENTS :

1. DEPUTY SUPERINTENDENT OF POLICE, MUNNAR,
IDUKKI DISTRICT-685602.
2. CIRCLE INSPECTOR OF POLICE
MUNNAR POLICE STATION, IDUKKI DISTRICT-685602.
3. SRI.JOSE JACOB KARIKKARAN, AGED 59 YEARS
RESIDING AT KATTIKKARAN HOUSE, KAKKANADU KARA
TRIKKAKKARA P.O., VAZHAKKALA VILLAGE, KOCHI-682021.
4. SMT.JISSY JOSE
W/O.JOSE JACOB KARIKKARAN, AGED ABOUT 54 YEARS,
RESIDING AT KATTIKKARAN HOUSE, KAKKANADU KARA
TRIKKAKKARA P.O., VAZHAKKALA VILLAGE, KOCHI-682021.
5. SRI.JOSEKUTTY, AGED 50 YEARS
RESIDING AT KARATTU HOUSE, NEAR CHERIYAPILLY
KUTTAMANGALAM VILLAGE, KOTHAMANGALAM
ERNAKULAM DT.-686691.
6. SRI.SAJEEVAN, AGED 43 YEARS
S/O.NARAYANAN, RESIDING AT KOVACKAL HOUSE, VIRIPARA
MANKULAM VILLAGE, DEVIKULAM TALUK-685613.

R1 TO R3 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S' EXHIBITS :

EXT.P1 : TRUE COPY OF THE SALE DEED NO.1437/04.

EXT.P2 : TRUE COPY OF THE COMPLAINT FILED BEFORE THE R3 DT.8-2-13 BY THE PETITIONER.

EXT.P3 : TRUE COPY OF THE OS 314/14 FILED BEFORE THE HONOURABLE MUNSIF COURT, DEVIKULAM.

EXT.P4 : TRUE COPY OF THE INJUNCTION ORDER ISSUED BY THE HONOURABLE MUNSIF COURT, DEVIKULAM ON 4-11-14 IN IA 100/12 IN OS 314/14 RESTRAINING R3-6 FROM COMMITTING ANY MISCHIEF IN THE PLAINT SCHEDULE PROPERTY.

EXT.P5 : TRUE COPY OF THE ENDORSEMENT IN THE DOCKET SHEET OF INJUNCTION APPLICATION OF DEVIKULAM MUNSIF COURT.

EXT.P6 : COMPLAINT SUBMITTED BEFORE THE R1 DT.26-12-14 BY THE PETITIONER.

EXT.P7 : COMPLAINT SUBMITTED BEFORE R2 DT.26-12-14 BY THE PETITIONER.

EXT.P8 : TRUE COPY OF THE RECEIPT ISSUED BY THE MUNNAR SDPO DT.27-12-14.

EXT.P9 : TRUE COPY OF THE RECEIPT ISSUED BY THE MUNNAR P.S DT.29-12-14.

EXT.P10 : PHOTOGRAPHS.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 35570 OF 2014

Dated this the 5th day of January, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel for the petitioner and learned Government Pleader.

2. By this writ petition the petitioner has prayed for a mandamus directing respondents 1 and 2 to look into the complaint pending before them and to give adequate police protection to his life and ensure that visitors coming to resort are not obstructed by respondents 3 to 6. Alleging trespass in the property, petitioner has already filed O.S. No.314 of 2014 where application for interim injunction has already been granted. The petitioners further allege that in spite of the injunction order, further threats have been made.

3. There being already an injunction order, it is always open for the petitioner to take appropriate steps in the civil court, in the event if there is any violation of the injunction order by any one. In so far as the criminal offence or attempt to commit offence is concerned, it is open for the

petitioner to file a complaint before the 2nd respondent, who may look into the same and take appropriate action.

With the above observations, the Writ Petition is disposed of.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**