

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 35487 of 2015 (I)

PETITIONER(S):

- 1. JOYKUTTY V V @ JOY VARGHESE,
S/O.VARKEY VARGHESE, AGED 56,
VALLUZHATHIL HOUSE, KURAVANKUZH P.O.,
PULLAD, THIRUVALLA.**
- 2. JOBIN VARGHESE, S/O.JOYKUTTY, AGED 26 YEARS,
VALLUZHATHIL HOUSE, KURAVANKUZH P.O.,
PULLAD, THIRUVALLA.**

BY ADV. SRI.R.GIREESH VARMA

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF HOME AFFAIRS,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
KOZHENCHERRY, PATHANAMTHITTA DISTRICT-689641.**
- 3. THE SUB INSPECTOR OF POLICE,
KOIPRAM POLICE STATION, KOIPRAM, THIRUVALLA-689531.**
- 4. SANTHOSH VARGHESE, AGED 40,
S/O.V.V.VARGHESE, VALLUZHATHIL, PULLAD P.O.-689548.**
- 5. ANIYAN VARGHESE, AGED 33, VALLUZHATHIL HOUSE,
KURAVANKUZH P.O., PULLAD-689548.**
- 6. BABU VARGHESE, AGED 45, VALLUZHATHIL HOUSE,
KURAVANKUZH P.O., PULLAD-689548.**

R1 TO R3 BY SENIOR GOVT. PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF THE DECREE IN OS 366/2010 ON THE FILES OF THE MUNSIFF'S COURT, THIRUVALLA.
- P2 : TRUE COPY OF THE JUDGMENT IN OS 388/2010 ON THE FILES OF THE MUNSIFF'S COURT, THIRUVALLA.
- P3 : TRUE COPY OF THE FIR IN CC 471/2010 PENDING IN JUDICIAL FIRST CLASS MAGISTRATE COURT, PATHANAMTHITTA WITH ENGLSIH TRANSLATION.
- P4 : TRUE COPY OF THE COMPLAINT FILED BY THE WIFE OF THE 1ST PETITIONER BEFORE THE WOMEN'S CELL, PATHANAMTHITTA WITH RECEIPT AND ENGLISH TRANSLATION.
- P5 : TRUE COPY OF THE COMPLAINT SUBMITTED TO 3RD RESPONDENT BY THE 1ST PETITIONER AND THE RECEIPT ALONG WITH ITS ENGLISH TRANSLATION.
- P6 : TRUE COPY OF THE CASUALITY TICKET ISSUED FROM THE DISTRICT HOSPITAL KOZHENCHERRY DT.8-6-2014.
- P7 : TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE 3RD RESPONDENT WITH RECEIPT AND ALSO THE ENGLISH TRANSLATION ON 20-6-2014.
- P8 : TRUE COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT FOR THE COMPLAINT SUBMITTED ON 2-7-2014.
- P9 : TRUE COPY OF THE COMPLAINT SUBMITTED TO 3RD RESPONDENT ON 24-10-2015 AND RECEIPT ALONG WITH ITS ENGLISH TRANSLATION.
- P10 : TRUE COPY OF THE OP TICKET ISSUED TO THE 1ST PETITIONER FROM THE DISTRICT HOSPITAL, KOZHANCHERRY ON 28-10-2015.
- P11 : TRUE COPY OF THE COMPLAINT SUBMITTED TO THE 3RD RESPONDENT ON 11-11-2015 ALONG WITH ITS ENGLISH TRANSLATION.
- P12 : TRUE COPY OF THE PAPER REPORT PUBLISHED IN MALAYALA MANORAMA DAILY DT.5-4-2015 WITH ITS ENGLISH TRANSLATION.
- P13 : TRUE COPY OF THE COMMUNICATION ISSUED FROM THE OFFICE OF THE ANIMAL WELFARE DEPARTMENT, PATHANAMTHITTA WITH ITS ENGLISH TRANSLATION.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

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

W.P.(C) No.35487 of 2015

Dated this the 3rd day of December 2015

J U D G M E N T

Ashok Bhushan, CJ.

Heard the learned counsel for the petitioners and the learned Government Pleader.

2. No notice is required to be issued to respondents 4 to 6 in view of the order, which is being passed in the writ petition.

3. This writ petition has been filed seeking for police protection against the activities and threats from respondents 4 to 6. Respondents 4 to 6 are stated to be the sons of the deceased brother of the first petitioner. From the pleadings in the writ petition, it is clear that two civil suits, O.S.Nos.366 of 2010 and 388 of 2010, were filed by the petitioners, which had already been decided. On a complaint filed by the petitioners, a crime has also been registered, which was charge sheeted as C.C.No.471 of 2010 by JFCM Court, Pathanamthitta. Certain other cases were also registered, in which, further proceedings are going on.

-: 2 :-

4. On a perusal of the pleadings in the writ petition, it is apparent that there are issues between the parties regarding property and criminal cases have emanated from such disputes.

5. Learned Government Pleader on instructions would submit that the police is keeping a constant vigil on the activities of respondents 4 to 6 and as and when any complaint is received regarding any offence committed or attempt to commit offence, appropriate measures shall be taken by them.

Recording the aforesaid submission made by the learned Government Pleader, we close the writ petition with liberty to the petitioners to file a complaint, as and when any offence is committed or there is attempt to commit offence.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE