

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 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 36496 of 2015 (J)

PETITIONER :

B.BASANTH, AGED 52 YEARS
S/O. SOMAN, RAJA VILAS, ARIYOTTUKONAM
ANDOORKONAM VILLAGE, THIRUVANANTHAPURAM.

BY ADVS.SRI.PRAVEEN K. JOY
SRI.T.A.JOY

RESPONDENTS :

1. STATE OF KERALA
REP. BY SECRETARY, HOME DEPARTMENT, SECRETARIAT
TRIVANDRUM-695001.
2. THE SUPERINTENDENT OF POLICE (RURAL)
THIRUVNANTHAPURAM-695001.
3. THE CIRCLE INSPECTOR OF POLICE
POTHENCODE, THIRUVANANTHAPURAM DISTRICT-695001.
4. THE SUB INSPECTOR OF POLICE
POTHENCODE POLICE STATION-695001.
5. VIJAYAN
S/O. SREEDHARAN, PATTARIYIL HOUSE, D/O. KALYANI
PATTARI VEEDU, ARIYOTTUKONAM, KATTAIKONAM
ANDOORKONAM VILLAGE-695015.
6. BALSON
S/O. NALLA THAMPI, PATTARI VEEDU, ARIYOTTUKONAM
KATTAIKONAM, ANDOORKONAM VILLAGE-695015.
7. SUDHEER
S/O. KRISHNAN, PATTARI PUTHEN VEEDU, ARIYOTTUKONAM
KATTAIKONAM, ANDOORKONAM VILLAGE-695015.

8. KRISHNAMMA
D/O. KALYANI, PATTARI VEEDU, ARIYOTTUKONAM
KATTAIKONAM, ANDOORKONAM VILLAGE-695015.
9. VASANTHA
D/O. KALYANI, PATTARI VEEDU, ARIYOTTUKONAM
KATTAIKONAM, ANDOORKONAM VILLAGE-695015.
10. CHANDRIKA
D/O. APPU, PAKIARKONATHU VEEDU, ARIYOTTUKONAM
ANDOORKONAM VILLAGE, KATTAIKONAM-695015.

R1 TO R4 BY SR. GOVERNMENT PLEADER, SRI.C.R. SYAMKUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 - THE TRUE PHOTOCOPY OF THE INJUNCTION ORDER IN OS 498/13 OF
MUNSIFF'S COURT ATTINGAL.

EXHIBIT P2 - THE TRUE PHOTOCOPY OF THE ACKNOWLEDGMENT RECEIPT OF SUB
INSPECTOR OF POLICE, POTHENCODE.

EXHIBIT P3 - THE TRUE PHOTOCOPY OF THE PETITION BEFORE THE 4TH
RESPONDENT.

EXHIBIT P4 - THE TRUE PHOTOCOPY OF THE PETITION BEFORE THE 3RD
RESPONDENT.

EXHIBIT P5 - THE TRUE PHOTOCOPY OF THE COMPLAINT BEFORE THE 2ND
RESPONDENT.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 36496 OF 2015

Dated this the 10th day of December, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and learned Government Pleader. No notice is being issued to respondent Nos.5 to 10 in view of the order which is being passed.

2. Petitioner has come up with the writ petition seeking a direction for protection to the life of the petitioner and his family and also the property from the threat and harassment of respondent Nos. 5 to 10. Petitioner's case is that with regard to a dispute pertaining to property, O.S. No.498 of 2013 has already been filed by the petitioner in which an interim injunction has already been granted. It is submitted that private respondents are threatening and forcing the petitioner to dismantle the compound wall and they had come and threatened the petitioner on 24.11.2015. Petitioner has already filed a complaint in that regard.

3. Learned Government Pleader submits that on receiving the complaint filed by the petitioner, the respondents

were summoned, who stated before police that they had no intention to breach any law. It is submitted that there is no threat to the law and order situation as on date.

In view of the aforesaid, we are of the view that interest of justice will be served by closing the writ petition with liberty to the petitioner to file appropriate complaint before Police if any offence is committed or there is any threat by the private respondents and police shall do the needful.

**Ashok Bhushan,
Chief Justice.**

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

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