

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).NO. 39308 OF 2015 (K)

PETITIONER(S):

ESTHER VARGHESE, AGED 72 YEARS
D/O. MARKOSE, VILAYIL VEEDU, VEENICODE,
VETTOOR VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.M.DINESH

RESPONDENT(S):

1. SARITHA,
D/O. VASANTHA, OLIPPU VILA VEEDU,
VENNICODE, VETTOOR VILLAGE,
THIRUVANANTHAPURAM - 695 312.
2. SULABHAH, D/O. LALITHA,
CHARUVILA PUTHEN VEEDU,
VENNICODE,VETTOOR VILLAGE,
THIRUVANANTHAPURAM -695312
3. LALITHA D/O. CHEMPAKAKUTTY,
CHARUVILA PUTHEN VEEDU,
VENNICODE,VETTOOR VILLAGE,
THIRUVANANTHAPURAM -695312
4. SUNIL S.O. SIVANKUTTY CHETTIAR,
KUNNUVILA VEEDU, NEAR SIVA TEMPLE,
VENNICODE,VETTOOR VILLAGE,
THIRUVANANTHAPURAM -695312
5. ABHAYAM, S/O. ACHUTHAN,
OLIPPU VEED, VENNICODE,VETTOOR VILLAGE,
THIRUVANANTHAPURAM -695312
6. HARIDAS, S/O. ACHUTHAN
OLIPPU VEED, VENNICODE,VETTOOR VILLAGE,
THIRUVANANTHAPURAM -695312
7. PRASOBHAN, WARD MEMBER,
VETTOOR GRAMA PANCHAYAT,
THIRUVANANTHAPURAM - 695 312
8. SUB INSPECTOR OF POLICE,
VARKALA POLICE STATION, VARKALA,
THIRUVANANTHAPURAM - 695 141.

R8 BY SR. GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT .P1 TRUE COPY OF THE JUDGMENT IN O.S. NO.308/2005 ON THE FILE OF MUNSIFF'S COURT, VATAKARA DATED 25.11.2006.

EXHIBIT P2 TRUE COPY OF THE DECREE IN O.S. NO.308/2005 ON THE FILE OF THE MUNSIFF'S COURT VARKALA DATED 25.11.2006 ALONG WITH TRUE ENGLISH TRANSLATION OF RELEVANT PORTION.

EXHIBIT P3 TRUE COPY OF THE COMPLAINT FILED BEFORE THE 8TH RESPONDENT DATED 17.12.2015 ALONG WITH TRUE ENGLISH TRANSLATION.

EXHIBIT P4 TRUE COPY OF THE RECEIPT DATED 17.12.2015 ISSUED FROM THE OFFICE OF 8TH RESPONDENT.

EXHIBIT .P5 SERIES PHOTOGRAPHS OF THE PROPERTY TO SHOW THE PRESENT STAGE AND TO SHOW THE DAMAGE IN THE PROPERTY.

RESPONDENT'S EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

sou.

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

W.P(C). No. 39308 of 2015

Dated this the 22nd day of December, 2015

JUDGMENT

Shaffique, J

Petitioner has approached this Court seeking police protection. It is stated that when there was attempt to trespass into the property the petitioner has filed O.S.No.308/2005 before the Munsiff Court Varkala and decree has been passed on 25.11.2006 in her favour. It is alleged that despite permanent prohibitory decree, respondents 1 to 7 had trespassed into the property and have also cut and removed valuable trees from the property. It is stated that though Exhibit P3 complaint was given to the police, no action has been taken in the matter. Petitioner apprehends threat to life. Hence the writ petition is filed.

2. Perusal of the averments in the writ petition would disclose that the petitioner has already preferred complaint, Exhibit P3 before the eighth respondent. The eighth respondent is therefore bound to consider the same and take necessary action in accordance with law.

3. Hence we direct the eighth respondent to consider Exhibit P3 and take necessary action in accordance with law and also ensure law and order situation is maintained.

With the above observation, the writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE

sou.22/12/15