IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 06TH DAY OF AUGUST 2020 / 15TH SRAVANA, 1942

WP(C).No.12142 OF 2020(P)

PETITIONER:

BABY THACHIL, AGED 75 YEARS,
S/O. ITTOOP, THACHIL HOUSE,
I.S.PRESS ROAD, COCHIN-682 018.

BY ADVS.
SRI.SUSHANTH.J.
SHRI. GIGI PAPPACHAN
SRI.ALAN PRIYADARSHI DEV

RESPONDENTS:

1 **COMMISSIONER OF POLICE, ABDULKALAMMARG,**
MARINE DRIVE, ERNAKULAM, PIN-682 011,
REPRESENTED BY GOVERNMENT PLEADER HIGH COURT OF KERALA.

2 **CIRCLE INSPECTOR OF POLICE/STATION HOUSE OFFICER,**
CENTRAL POLICE STATION, KOMBRA,
NEAR HIGH COURT OF KERALA, ERNAKULAM, PIN-682 018.

3 **JACOB CHEERAN @ CHACKO, AGED ABOUT 42 YEARS**
S/O.JOSE, CHEERAN HOUSE, I.S. PRESS ROAD,
COCHIN-682 018.

R3 BY ADV. SRI.VARGHESE PARAMBIL
R3 BY ADV. SRI.BOBY GEORGE.V.
R3 BY ADV. SRI.ALBERT JOSEPH
R1-2 BY SRI.PP THAJUDHEEN, SR GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06.08.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 6th day of August 2020

The petitioner is 75 years old. He approached this Court for police protection. He seeks the following relief:-

> "i) issue a writ of mandamus or any other writ or order commanding the respondents 1 and 2 to provide adequate protection to the life of the petitioner and his property."

2. In this matter, the third respondent filed a counter affidavit. According to the 3rd respondent, there exists a civil dispute between the petitioner and party respondent in regard to the pathway. It is submitted that in the guise of police protection, the petitioner is attempting to deny the claim of the 3rd respondent to use the pathway.

3. The police protection cannot be granted in respect of the property. If there is any law and order situation, the police shall maintain the law and order. The parties are free to agitate their right in respect of the property before the civil court.

With the above observations, the writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE
JUDGE

SAS/06/08/2020

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE COMPLAINT BY THE PETITIONER TO THE 2ND RESPONDENT DATED 22.2.2018.
EXHIBIT P2	TRUE COPY OF THE COMPLAINT BY THE PETITIONER TO THE 2ND RESPONDENT DATED 6.5.2020.
EXHIBIT P3	THE TRUE COPY OF THE INJUNCTION ORDER IN I.A.NO.1401 OF 2018 IN O.S.206 OF 2018 OF THE HONOURABLE MUNSIFF'S COURT-II, ERNAKULAM.
EXHIBIT P4	TRUE COPY OF THE PHOTOGRAPHS TAKEN ON 28.6.2020.

RESPONDENT'S/S EXHIBITS:

EXHIBIT R3(A)	PHOTOCOPY OF THE PLAINT IN OS NO.206/2008 BEFORE THE MUNSIFF'S COURT, ERNAKULAM.
EXHIBIT R3(B)	PHOTOCOPY OF THE WRITTEN STATEMENT IN OS NO.206/2018 BEFORE THE MUNSIFF'S COURT, ERNAKULAM.