IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

TUESDAY, THE 23RD DAY OF JULY 2024 / 1ST SRAVANA, 1946

WP(C) NO. 9502 OF 2021

PETITIONERS:

1 SETHULAKSHMI K.K.
AGED 25 YEARS, DAUGHTER OF KUSAN.K.P., KACHAPARAMBIL HOUSE, ELAMKUNNAPUZHA P.O., KOCHI - 682 503.

2 SUDHA KUSAN
AGED 53 YEARS, WIFE OF KUSAN K.P., KACHAPARAMBIL HOUSE, ELAMKUNNAPUZHA P.O., KOCHI - 682 503.

BY ADVS. V.JOHN MANI ShRI.S.JAYANT SRI.JACKSON JOHNY SHRI.VARGHESE SABU SMT.GAYATHRI MENON SRI. SONY P.G.

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

2 DIRECTOR GENERAL OF POLICE
STATE POLICE HEADQUARTERS, VELLAYAMBALAM, THIRUVANANTHAPURAM-695 010.

3 THE DISTRICT POLICE CHIEF
DISTRICT POLICE OFFICE, ERNAKULAM RURAL-679335.

4 STATION HOUSE OFFICER
NJARAKKAL POLICE STATION, NJARACKAL, KOCHI, KERALA 683505.

5 JOHN V.V.
S/O.VAKKACHAN,
VARYAYATH HOUSE, ELAMKUNNAPUZHA P.O., KOCHI - 682503.

6 LALAN
SON OF LATE NARAYANAN, PONATH HOUSE, ELAMKUNNAPUZHA P.O., PIN 683503

7	JOSEY SON OF LATE MANUEL, KANJIRAPARAMBIL HOUSE, ELAMKUNNAPUZHA P.O., PIN 682 503.
8	THOMAS S/O.VAKKACHAN, VARYAYATH HOUSE, ELAMKUNNAPUZHA P.O., PIN 682 503.
9	ANTO @ANTONY MANUEL S/O.LATE MANUEL, KANJIRAPARAMBIL HOUSE, ELAMKUNNAPUZHA P.O., PIN 682 503.
10	MADHUSOODANAN S/O.BHASKARAN, KOCHIKKAPARAMBIL HOUSE, ELAMKUNNAPUZHA P.O., PIN 682 503.
11	VENU KAITHAVALAPPIL HOUSE, ELAMKUNNAPUZHA P.O., PIN 682 503.
12	JITHIN @ JITHU SON OF BENDICT, PAVOTHITHARA HOUSE, ELAMKUNNAPUZHA P.O., PIN 682 503.
13	TONY SON OF THOMAS, VARYATH HOUSE, ELAMKUNNAPUZHA P.O., PIN 682 503.
14	RAKESH SON OF VENU, KAITHAVALAPPIL HOUSE, ELAMKUNNAPUZHA P.O., PIN 682 503. BY ADV SRI.T.KABIL CHANDRAN

OTHER PRESENT:

GP SRI. RIYAL DEVASSY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

(Dated this the 23rd day of July 2024)

The writ petition is filed to direct respondents 2 to 4 to afford adequate and effective police protection to the life and property of the petitioners and their family members from respondents 5 to 14 and their henchmen.

2. The 1st petitioner is an Advocate, and the 2nd petitioner is her mother. The respondents, 5 to 14, are the neighbours of the petitioners. On 14.12.2019, the 2nd petitioner started constructing a residential house on the petitioners' property. The 5th respondent approached and requested to appoint him as the contractor for constructing their residential house, and he agreed to complete the work within four months. The construction was not completed within the time agreed upon by the 5th respondent, and it was delayed. The 5th respondent had an illegal motive to cut open a wider pathway towards his property. The 5th respondent's property shares the western

boundary with the 2nd petitioner. While the construction was ongoing, respondents 5 to 14 and their henchmen, on 13.01.2021, trespassed into the 2nd petitioner's property and demolished the fencing situated on the northern boundary of the 2nd petitioner. Aggrieved by the illegal acts of respondents 5 to 14, the petitioners revoked the construction contract with the 5th respondent. Respondents 5 to 14 destroyed the electric meter set up outside the building for construction activities.

3. The 1st petitioner preferred a complaint before the 3rd respondent seeking police protection for the life and property of the 1st petitioner and her family members. But no action was taken. The 2nd petitioner filed CMP No.128/2021 before the Judicial First Class Magistrate Court, Njarakkal, and the court directed the Station House Officer to file a report under Section 156(3) of Cr.P.C. A crime was registered as FIR No.88/2021 for the offences punishable under Section 339,427,441,451 and 506 r/w 34 of IPC. Respondents 5 to 7 filed a suit as O.S

No.35/2021 before the Munsiff's Court, Kochi. The same is pending.

4. Though respondents 5 to 14 entered appearance, no counter affidavit was filed on their behalf.

5. On 09.04.2021, an interim order was passed by this Court, directing the 4th respondent to take necessary steps to ensure that there is no threat to the life and property of the petitioners at the instance of respondents 5 to 14 and their men. It was also made clear that the 4th respondent shall not interfere with any civil dispute between the petitioners and the party respondents. The Interim order was made absolute on 27.04.2021.

6. The counsel for the petitioner submits that even after the interim order was made absolute, a crime is registered as FIR No. 413/2022 by the Njarakkal Police Station for the offence under Sections 294(b), 506, 427 IPC against the 7th respondent.

Therefore, she seeks to grant the prayers in the writ petition.

Having heard the counsel for the petitioners, the counsel for the party respondents, and the learned Government Pleader, I am satisfied that there is a threat to the petitioner's life. Therefore, the 4th respondent is directed to give adequate protection to the life of the petitioners from respondents 5 to 14. It is made clear that the competent Civil Court shall settle the dispute in respect of the property and the police shall not interfere in that.

The writ petition is disposed of.

Sd/-

BASANT BALAJI

JUDGE

JS

APPENDIX OF WP(C) 9502/2021

PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF THE DISCHARGE SUMMARY DATED 15.12.2020.
EXHIBIT P2	TRUE COPY OF THE COMPLAINT FILED BY THE 1ST PETITIONER BEFORE THE 4TH RESPONDENT DATED 13.01.2021.
EXHIBIT P3	TRUE COPY OF THE COMPLAINT PREFERRED TO THE 3RD RESPONDENT DATED 13.01.2021.
EXHIBIT P4	TRUE COPY OF THE FIR NO.88/2021 DATED 06.02.2021 OF NJARAKKAL POLICE STATION.
EXHIBIT P5	TRUE COPY OF THE COMPLAINT FILED BY THE 2ND PETITIONER BEFORE THE 4TH RESPONDENT DATED 20.03.2021.
EXHIBIT P6	TRUE COPY OF THE COMPLAINT FILED BY THE 2ND PETITIONER BEFORE THE 3RD RESPONDENT DATED 23.03.2021.
EXHIBIT P7	TRUE COPY OF THE COMPLAINT FILED BY THE 2ND PETITIONER BEFORE THE 4TH RESPONDENT DATED 27.03.2021.
EXHIBIT P8	TRUE COPY OF THE RECEIPT ISSUED BY THE 4TH RESPONDENT TO PETITIONER DATED 27.03.2021.
EXHIBIT P9	TRUE COPY OF THE COMPLAINT FILED BEFORE THE 2ND RESPONDENT DATED 29.03.2021.
EXHIBIT P10	TRUE COPY OF THE COMPLAINT FILED BEFORE THE 3RD RESPONDENT DATED 28.03.2021.