

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

&

THE HONOURABLE MR. JUSTICE P.BHAVADASAN

FRIDAY, THE 31ST JULY 2009 / 9TH SRAVANA 1931

WP(C).No. 15305 of 2009(G)

PETITIONER(S):

C.P.LEELA AGED 52 YEARS, W/O.GOPALAN,
CHALAPPARAMBATH HOUSE, KAVILUMPARA AMSOM DESOM,
VADAKARA TALUK, KOZHIKODE.

BY ADV. SRI.RAFFEEKH.K
SRI.O.C.LAIJU
SRI.MADHUSSDHANAN

RESPONDENT(S):

1. THE STATE OF KERALA, REP.BY HOME
SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.
2. THE SUB INSPECTOR OF POLICE,
THOTTILPALAM POLICE STATION, KOZHIKODE DISTRICT.
3. THE SUPPERINTENDENT OF POLICE,
VADAKARA RURAL, VADAKARA, KOZHIKODE DT.
4. KALLYANI AMMA, W/O. GOPALAN NAIR,
VALIYAPALORA HOUSE, KAVILUMPARA AMSOM DESOM,
VADAKARA.
5. RADHA, W/O.O.T.BABU (LATE)
VALIYAPALORA HOUSE, KAVILUMPARA AMSOM,DESOM,
VADAKARA.
6. DEEPA,D/O.O.T.BABU,(LATE) VALIYAPALORE
HOUSE KAVILUMPARA AMSOM DESOM, VADAKARA.
7. JAYAKUMAR V.P. S/O. O.T.BABU (LATE)
VALIYAPALORA HOUSE, KAVILUMPARA AMSOM DESOM,
VADAKARA.
8. V.P.AMBUJAKSHAN,S/O.GOPALAN NAIR,
VALIYAPALORA HOUSE, KAVILUMPARA AMSOM DESOM,
VADAKARA, (NOW RESIDING AT "KARNIKA"
MOILOTHARA P.O. NEAR KAVILUMPARA SCHOOL)

BY ADV. SRI.B.KRISHNAN FOR R4 TO 8
SRI.R.PARTHASARATHY FOR R4 TO R8
BY GOVT. PLEADER SRI.P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31/07/2009, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.R.RAMAN & P.BHAVADASAN, JJ.

W.P.(C) No. 15305 of 2009

Dated this the 31st July, 2009

J U D G M E N T

Raman, J.

Petitioner is the plaintiff in O.S.No.41 of 2009, on the file of the Sub Court, Vadakara. The suit is one for permanent prohibitory injunction. The court below granted interim injunction restraining the respondents from entering A and B schedule properties and thereby causing any damage to the property until further orders. It is alleged that despite the said order, on 1.4.2009, party respondents 4 to 8 have trespassed into the property of the petitioner with the support of one Court staff, employed in Nadapuram Court, with deadly weapons, threatened the petitioner and her husband and also demolished the compound wall of petitioner's property, and the

matter has been reported to respondents 2 and 3. But no action is taken. Hence this writ petition.

2. Party respondents 4 to 8 entered appearance and filed a counter denying the allegations stated in the writ petition. It is stated that in the interim injunction application, they have entered appearance, already filed a counter, and the matter is pending before the court below.

3. The learned Government Pleader appearing on behalf of the State would submit that a complaint has been received and on the basis of that they have enquired into matter and registered a crime as Crime No.59 of 2009. It is also submitted that no action has been taken in violation of the order of the court below.

4. In such circumstances, it cannot be said that police has not acted. If there is any violation of the interim

order, the petitioner can move the same court for appropriate orders. The police shall only see that law and order is maintained.

The writ petition is disposed of as above.

P.R.RAMAN, JUDGE

P.BHAVADASAN , JUDGE.

nj.