

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

&

THE HONOURABLE MR. JUSTICE M.L.JOSEPH FRANCIS

MONDAY, THE 31ST MAY 2010 / 10TH JYAISTHA 1932

WP(C).No. 16625 of 2010(C)

PETITIONER(S):

PRASANNAKUMARI, W/O. PRASANNA KUMAR,
THAYYIL VEETIL, PUTHIYAVILA MURI,
KANDALLOOR VILLAGE.

BY ADV. SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN

RESPONDENT(S):

1. SUPERINTENDENT OF POLICE,
ALAPPUZHA.
2. DEPUTY SUPERINTENDENT OF POLICE,
KAYAMKULAM, ALAPPUZHA DISTRICT.
3. CIRCLE INSPECTOR OF POLICE,
KAYAMKULAM, ALAPPUZHA DISTRICT.
4. S.I. OF POLICE,
KANAKAKUNNU POLICE STATION, ALAPPUZHA DISTRICT.
5. RAGINI, AGED 45 YEARS, W/O.
PUSHPANGATHAN, PARACKAPALLIL THARAYIL,
(MANKEEZHIL), PUTHIYAVILA MURI, KANDALLOOR
VILLAGE, ALAPPUZHA DISTRICT.

R1 TO R4 BY GOVERNMENT PLEADER SHRI T.K. VIPINDAS.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31/05/2010, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**K. M. JOSEPH &
M.L. JOSEPH FRANCIS, JJ.**

W.P(C). NO. 16625 OF 2010 C

Dated this the 31st May, 2010

JUDGMENT

K.M. Joseph, J.

Prayer in the Writ Petition is as follows:

“Issue a writ of mandamus or other writ or order directing respondents 1 to 4 to provide adequate police protection to the life of the petitioner, her building and property covered by Ext.P2 order, from any threat by the 5th respondent and her henchmen”.

2. Briefly put, the case of the petitioner is as follows:

By Ext.P2, IA.No.417/2010 filed by the petitioner as against the plaintiff/fifth respondent herein has been allowed and the fifth respondent is directed to vacate the sit out of the plaint schedule building within thirty days. To enforce the order

in the Interlocutory Application, the petitioner filed Ext.P3 I.A. on 19.5.2010. The prayer in the Writ Petition is to give protection to the life of the petitioner, her building and property covered by Ext.P2 order. The allegation in the Writ Petition is that in spite of the direction in Ext.P2, the fifth respondent continues to remain in the sit out of the plaint schedule building and the petitioner has moved Ext.P4 petition before the police. Petitioner also seeks to invoke Section 29(b) of the Kerala Police Act, stating that there is a duty cast upon the Police Officers to prevent commission of any cognizable offence. It is also submitted by the learned counsel for the petitioner that the Appeal preferred against Ext.P2 order by the fifth respondent, has been dismissed.

3. Already the petitioner has moved the competent court by Ext.P3 dated 19.5.2010 seeking enforcement of the order in I.A.No.417/2010 and it is for the petitioner to prosecute the said Application before the competent civil court and we do not see

any reason why we should interfere at this stage. Of course, if the fifth respondent commits any cognizable offence, the official respondents shall take action in accordance with law.

The Writ Petition is disposed of as above.

Sd/=
K.M. JOSEPH,
JUDGE

Sd/=
M.L. JOSEPH FRANCIS,
JUDGE

kbk.

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PS to Judge