



2025:KER:14141

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

WEDNESDAY, THE 19TH DAY OF FEBRUARY 2025 / 30TH MAGHA, 1946

WP(C) NO. 33369 OF 2023

PETITIONERS:

- 1 CHERIYAN @ BABY GEORGE
AGED 80 YEARS
S/O LATE VARKEY, KANNADATHIL, KANNADIPADINJAREMURI,
PULINCUNNU VILLAGE, KUTTANADU TALUK, ALAPPUZHA
DISTRICT,, PIN - 688504
- 2 TANY BABY @ CLARAMMA
AGED 66 YEARS
W/O CHERYAN, KANNADATHIL, KANNADIPADINJAREMURI,
PULINCUNNU VILLAGE, KUTTANADU TALUK, ALAPPUZHA
DISTRICT,, PIN - 688504
- 3 PRASANTH K BABY
AGED 35 YEARS
S/O CHERIYAN, KANNADATHIL, KANNADIPADINJAREMURI,
PULINCUNNU VILLAGE, KUTTANADU TALUK, ALAPPUZHA
DISTRICT,, PIN - 688504
- 4 MONCY K BABY
AGED 31 YEARS
S/O CHERIYAN, KANNADATHIL, KANNADIPADINJAREMURI,
PULINCUNNU VILLAGE, KUTTANADU TALUK, ALAPPUZHA
DISTRICT,, PIN - 688504

BY ADVS.
SRI.K.S.HARIHARAPUTHRAN
SMT.PINKU MARIAM JOSE
SRI.ANIL KUMAR T.P.



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RESPONDENTS:

- 1 DISTRICT POLICE CHIEF
ALAPPUZHA, PIN - 688001
- 2 STATION HOUSE OFFICER
PULINCUNNU POLICE STATION, PULINCUNNU P.O,
ALAPPUZHA., PIN - 688504
- 3 PRAVEEN ROY
AGED 41 YEARS
S/O K.M.ROY, KALLARACKAL KADADVIL HOUSE, PALLIPURAM
P.O, CHERTHALA TALUK, ALAPPUZHA DISTRICT,
PIN - 688541

BY SMT K B SONY, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19.02.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



JUDGMENT

Dated this the 19th day of February, 2025

The writ petition is filed to direct the respondents 1 and 2 to afford adequate police protection to life of the petitioners, to enjoy their properties and carry out agricultural operations covered by Ext.P1 decree.

2. The petitioners 1 and 2 are husband and wife. The petitioners 3 and 4 are their children. The mother of the 3rd respondent owned certain properties near the agricultural properties of the petitioners. She attempted to trespass into the property of the petitioners. Ext.P1 decree has been passed in favour of the petitioners. The mother of the 3rd respondent had executed a settlement deed by which she transferred the agricultural properties to the 3rd respondent. Suppressing the material facts, the 3rd respondent filed O.S.No.814/2022 against the petitioners for a decree of



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injunction. However, no order of ad-interim injunction has been passed in favour of the 3rd respondent. While petitioners were attempting to carry out agricultural operations in their property, the 3rd respondent and his men have restrained them from doing the same. The action of the 3rd respondent is illegal and high-handed. Even though the petitioner has preferred a complaint before the 2nd respondent, no action has been taken on the same. Hence, the writ petition.

3. Heard; the learned counsel for the petitioners and the learned Government Pleader.

4. On a perusal of the materials on record, it is evident that there is a suit pending between the petitioners and the 3rd respondent. Even though it is stated that no ad-interim order of injunction has been passed in favour of the 3rd respondent, the matter is subjudice. Since the petitioners have the case that the 3rd respondent is causing physical harm to them, I am of the view that the 2nd respondent is to be directed to afford adequate police protection to the life of the petitioners.



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However, the 2nd respondent shall not interfere in any civil dispute between the petitioners and the 3rd respondent.

In the result, this writ petition is disposed of, by directing the 2nd respondent to afford adequate police protection to the life of the petitioners, without interfering in the civil dispute between the petitioners and the 3rd respondent.

Sd/-

C.S.DIAS
JUDGE

NAB



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APPENDIX OF WP(C) 33369/2023

PETITIONER EXHIBITS

EXHIBIT P1 TRUE COPY OF THE DECREE DATED 26-06-2019
IN OS 995/2017 ON THE FILES OF THE
PRINCIPAL MUNSIFFS COURT, ALAPPUZHA

EXHIBIT P2 TRUE COPY OF THE PLAINT IN OS 814 OF 2022
DATED 19-10-2022 OF THE MUNSIFF'S COURT,
ALAPPUZHA

EXHIBIT P3 TRUE COPY OF THE COMPLAINT DATED 21-09-
2023 SUBMITTED BY THE 4TH PETITIONER
BEFORE THE 2ND RESPONDENT

EXHIBIT P3(a) TRUE COPY OF THE RECEIPT DATED 21.9.2023
ISSUED BY THE 2ND RESPONDENT IN EXT P3
PETITION