
(2011) 03 KL CK 0299

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 7387 of 2011 (W)

K. Sasidharan Panicker

APPELLANT

Vs

Circle Inspector of Police and Others

RESPONDENT

Date of Decision : 24-03-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 03 KL CK 0299

Hon'ble Judges : R. Basant, J;K. Surendra Mohan, J

Bench : Division Bench

Advocate : M.R. Anandakuttan, for the Appellant; S. Mohammed Al Rafi, for the Respondent

Final Decision : Dismissed

Judgement

R. Basant, J.—This petition is filed by the Petitioner claiming issue of directions to Respondents 1 and 2 under Article 226 of the Constitution, to afford police protection to the property of the Petitioner from wrongful intervention and trespass by Respondents 3 to 7.

2. To cut a long story short, the grievance of the Petitioner is that despite Exts.P2 and P3 interim orders passed in pending proceedings, Respondents 3 to 7 are illegally interfering with the possession and enjoyment of the Petitioner over the disputed property. Though reliance is placed on Ext.P1 judgment, it is not disputed now that Respondents 3 to 7 herein were not by name made parties in that suit. They or their predecessor were admittedly not parties to that suit. Exts.P2, P3 and P4 are passed in the pending proceedings. No appeal is taken against Exts.P2 and P3, it is submitted.

3. Respondents 3 to 7 have raised various contentions. Interalia it is contended that the concession was wrongly made in Ext.P3 proceedings. A dispute is raised regarding identity of the property also.

4. Having rendered our very anxious consideration to the nature of the disputes,

we are of the opinion that it is not necessary for us to make any observation that may affect or prejudice the rights of the parties in pending proceedings between them. Suffice it to say that we have gone through the nature of the averments made in this writ petition and counter affidavit and we are of the opinion that pending disposal of the suit, it is for the Petitioner to seek appropriate relief from the court (before which the concerned suit in which Exts.P2 and P3 interim orders are passed) that is the Principal Munsiff, Thiruvananthapuram and seek appropriate orders against Respondents 3 to 7 for allegedly violating the order of injunction passed by the court.

5. We have no hesitation to agree and opine that if such a petition for violation of the order of injunction is filed, the learned Principal Munsiff must take up the matter as expeditiously as possible and pass appropriate orders. Though it is submitted that a petition is said to have been filed before the court below, the number and details have not been furnished and the learned Counsel for the Petitioner is unable to emphatically assert that such a petition is filed already.

6. This Writ Petition is accordingly dismissed with the above observations.

7. Hand over a copy of this judgment to the learned Counsel for the Petitioner.