

(2021) 01 KL CK 0307

In the High Court Of Kerala

Case No : Writ Petition (C) No. 28851 Of 2019

V. Ramachandran

APPELLANT

Vs

Sub Inspector Of Police, Agali And Ors

RESPONDENT

Date of Decision : 13-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0307

Hon'ble Judges : Raja Vijayaraghavan V, J

Bench : Single Bench

Advocate : K. Mohanakannan, T.V. Neema, T.K. Sandeep, P.P. Thajudeen

Final Decision : Disposed Of

Judgement

1. The petitioner along with his siblings and mother are the owners in title and possession of property having an extent of 2 Acres and 61 cents in Re-

Sy. No.751/1 of Pudoor Amsom Desom. He contends that his late father had approached the jurisdictional Civil Court and had instituted O.S. No.23

of 2011 seeking a permanent prohibitory injunction restraining the party respondents herein, who were the defendants in the said Suit from trespassing

into the property or causing any obstruction to the peaceful possession and enjoyment. As the father of the petitioner expired pending proceedings, the

petitioner and other legal heirs got themselves impleaded and proceeded with the Suit. It is contended that the Suit was decreed as prayed for as is

evident from Ext.P1 judgment and Ext.P2 decree. When the party respondents violated the order of injunction, the petitioner filed an application

seeking execution. A Commissioner was appointed and he was also obstructed. The petitioner states that despite having a decree in his favour, the

party respondents are preventing the petitioner from carrying out agricultural

operations. It is in the afore circumstances that the petitioner is before this Court seeking a direction to the 1st respondent to afford adequate protection to the life and property of the petitioner from any threats by respondents 2 to 6 and their men.

2. The petitioner states that during the pendency of the proceedings, the learned Munsiff, after hearing both sides, had directed the Station House

Officer, Agaly, to provide adequate and effective protection to the petitioner on 14.6.2020 and 15.6.2020 and later by a separate order on 22.10.2020

and 23.10.2020. According to the petitioner, despite such orders passed by the learned Munsiff, the respondents are still persisting with their threats.

3. I have heard Sri. Mohanakannan, the learned counsel appearing for the petitioner, Sri. T.K.Sandeep, the learned counsel appearing for the

respondents 4 and 5 and Sri. P.P.Thajudeen, the learned Government Pleader.

4. The records reveal that the petitioner has obtained a decree in his favour. When he attempted to execute the decree, obstructions were caused by

the party respondents. A Commissioner Advocate was appointed who has reported that when he attempted to visit the property to prepare the report,

he was obstructed by the party respondents. The learned Munsiff has considered all the relevant aspects and have observed that in view of the decree

passed in favour of the petitioner, the party respondents have no right to obstruct the petitioner from cultivating the property. The learned Munsiff has

also taken note of the violent activities carried out by the party respondents at the time of visit of the Commissioner Advocate. As held by this Court in

Baby v. Deputy Superintendent of Police, Attingal and Ors.1, the parties cannot be permitted to flout the orders of the Civil Court and frustrate the

attempts of the decree-holder to get the benefits of the decree.

5. Having considered all the relevant facts, I direct the 1st respondent to afford adequate protection to the life and property of the petitioner and to

ensure that no obstruction is caused by the party respondents to the efforts of the petitioner to carry out the cultivation in the property covered under

Exts.P1 and P2.

This writ petition is disposed of.