

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE C.S. DIAS

TUESDAY, THE 31ST DAY OF DECEMBER 2019 / 10TH POUSHA, 1941

WP (C) .No. 35961 OF 2019 (U)

PETITIONER:

J.MAYA, PUTHENPURAYIL,
DHANUVACHAPURAM, NADOORKOLLA,
KOLLAYIL, TRIVANDRUM-695502.

BY ADV. SMT.K.P.SANTHI

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 2 SUPERINTENDENT OF POLICE, DISTRICT POLICE OFFICE, THIRUVANANTHAPURAM RURAL, TRIVANDRUM-695001.
- 3 DEPUTY SUPERINTENDENT OF POLICE, NEYYATINKARA, TRIVANDRUM-695121.
- 4 CIRCLE INSPECTOR OF POLICE, PARASSALA POLICE STATION, TRIVANDRUM-695001.
- 5 SUB INSPECTOR OF POLICE, PARASSALA POLICE STATION, THIRUVANANTHAPURAM-695001.
- 6 PRAKASH, SON OF JAPAMANI, KALALALAYAM, NELLIMOOTTIL, KANJIRAMKULAM, TRIVANDRUM-695524, NOW RESIDING AT PUTHENPURAYIL, DHANUVACHAPURAM, NADOORKOLLA, KOLLAYIL, TRIVANDRUM-695502.
- 7 NEETHARANI, WIFE OF PRAKASH, KAMALALAYAM, NELLIMOOTTIL, KANJIRAMKULAM, TRIVANDRUM-695524, NOW RESIDING AT PUTHENPURAYIL, DHANUVACHAPURAM, NADOORKOLLAM, KOLLAYIL, TRIVANDRUM-695502.

SMT. PRINCY XAVIER, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.12.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This Court by Ext.P4 judgment dated 10/06/2019 directed the respondents 4 and 5 to render adequate protection to the petitioner, if there is any harassment against her by the respondents 6 and 7. The said judgment is in force.

2. The petitioner has filed the present writ petition, alleging that the respondents 6 & 7 are continuing to harass her.

3. The Hon'ble Supreme Court in ***Commissioner, Karnataka Housing Board v. C.Muddaiah [(2007) 7 SCC 689]***, has held that once a direction is issued by a competent Court, the authority is bound to abide by the direction without any reservation. If an order passed by court of law is not complied with or is ignored, the remedy of the petitioner is to institute contempt of court proceedings and not file a fresh writ petition. In view of the fact that Ext.P4 judgment is still in force, there is no

circumstances warranting the filing of a fresh writ petition for the same cause of action. In view of the above observations this writ petition is dismissed, without prejudice to the right of the petitioner to seek appropriate remedies under the Contempt of Courts Act, as against the persons who have wilfully disobeyed the directions of this Court in Ext.P4 judgment.

sd/-

C . S . DIAS

JUDGE

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE FIR NO.861 OF 2017 OIF
PARASSALA POLICE STATION

EXHIBIT P2 TRUE COPY OF THE COMPLAINT DATED 9.4.2019
SUBMITTED TO THE 4TH RESPONDENT

EXHIBIT P3 TRUE COPY OF THE COMPLAINT DATED 11.4.2019
SUBMITTED TO THE 3RD RESPONDENT

EXHIBIT P4 TRUE COPY OF THE JUDGMENT DATED 10.06.2019
IN W.P(C)NO.13345 OF 2019 OF THIS
HONOURABLE COURT.

EXHIBIT P5 TRUE COPY OF THE COMPLAINT DATED 16.6.2019
SUBMITTED TO THE 3RD RESPONDENT

EXHIBIT P6 TRUE COPY OF THE COMPLAINT DATED 14.12.2019
SUBMITTED TO THE 3RD RESPONDENT.

RESPONDENTS EXHIBITS:NIL

//TRUE COPY//

P.A. TO JUDGE