

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 4319 of 2013 (L)

PETITIONER:

BALAKRISHNAN.K
VALIYAPARAMBIL VEEDU,
ST.BENEDICT 3RD CROSS ROAD, ERNAKULAM

BY ADVS.SRI.S.JAMES VINCENT
SMT.ANJU P.NAIR
SMT.T.H.RAJITHA

RESPONDENTS:

1. STATE OF KERALA
REP BY THE HOME SECRETARY THIRUVANANTHAPURAM 695 001
2. THE NATIONAL COMMISSION FOR SC/ST,
TC 24/547(1) SASTHA GARDENS RESIDENCY
ROAD, NEAR GOVERNMENT GUEST HOUSE,
THYCAUD, THIRUVANANTHAPURAM 695 014
3. THE DISTRICT COLLECTOR
ERNAKULAM 682 030
4. THE COMMISSIONER OF POLICE
KOCHI CITY 682 031`
5. THE DEPUTY COMMISSIONER OF POLICE
KOCHI CITY 682 031
6. THE C.I OF POLICE
NORTH POLICE STATION ERNAKULAM 682 018
7. MR.JAMES
S/O.KARIPPAD AUGUSTINE,
ST.BENEDICT 3RD CROSS ROAD, ERNAKULAM 682 018

SRI.P.M.SANEER, GOVERNMENT PLEADER
R2 BY ADV. SRI.P.PARAMESWARAN NAIR,ASG OF INDIA
R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
RKC

APPENDIX

PETITIONER(S) EXHIBITS

EXT.P1 TRUE COPY OF THE DDOCUMENT NO 375 OF 1980 DT 4-2-1980

EXT.P2 TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER
ON 4-08-2012 BEFORE THE 6TH RESPONDENT.

EXT.P2 (A) TRUE COPY OF THE RECEIPT ISSUED BY R6 ON 4.8.2012

EXT.P3 TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER
BEFORE R6

EXT.P3 (A) TRUE COPY OF THE RECEIPT ISSUED BY R6 ON 20-08-2012

EXT.P4 TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER
BEFORE R2 ON 10.9.2012.

EXT.P4 (a) TRUE COPY OF THE A/D CARD DT.14.9.2012

EXT.P4 (b) TRUE COPY OF THE A/D CARD DT.14.9.12

EXT.P4 (c) TRUE COPY OF THE A/D CARD DT.14.9.12

EXT.P4 (d) TRUE COPY OF the A/D CARD DT.14.9.12

EXT.P5 TRUE COPY OF THE COMMUNICATION FROM THE OFFICE OF THE
ERNAKULAM DISTRICT COLLECTORATE DT.20.9.2012.

2ND RESPONDENTS' EXHIBITS :

EXT.R2 (a) : TRUE COPY OF THE LETTER NO.KL/36/1/2012-RES DT.
25.9.12

RKC

TRUE COPY

PA TO JUDGE

P.V.ASHA, J.

W.P.(C).No.4319 of 2013

Dated this the 10th day of April, 2015

JUDGMENT

This writ petition is filed praying for a direction to respondents 1 to 6 to initiate sufficient preventive and punitive action against the 7th respondent to prevent him from continuing with the harassment against the petitioner. According to the petitioner he is a tenant in the property in which he has been residing for the last 59 years and he is denied his tenancy right for 3 cents of property; he belongs to scheduled caste community. According to him, the 7th respondent, who was also a tenant and who purchased the entire property from the original landlord Sri.Kannoth Joseph, is threatening him to leave the property and is subjecting him to harassment even by calling him by his caste name, in order to evade from his liability to settle the tenancy right of the petitioner. He also complains that the Police officials do not take any action on the complaints preferred by him as to the harassment meted out to him by the 7th respondent.

2. Even though notice is served on 7th respondent, there is no appearance for the 7th respondent. At the same time counter affidavits are filed by respondents 2 and 6. Petitioner has filed reply affidavit also.

3. I heard the learned counsel appearing for the petitioner as well as the learned Government Pleader.

4. From the pleadings of either parties, it is seen that, litigations between the petitioner and the 7th respondent are admittedly pending in various courts/forums including the Land Reforms Appellate Authority, Munsiff's Court, Ernakulam etc,. Therefore, the rights, if any, of the petitioner claimed in this writ petition, are matters to be decided by the respective civil court/Tribunal/forums.

5. The 6th respondent has denied the allegations regarding the inaction of the police officials. At the same time the 6th respondent has stated in the counter affidavit that the Police will take very vigilant action in the matter to avoid any untoward incident. This statement is recorded.

Accordingly, this writ petition is disposed of, directing the

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:3:

6th respondent to see that appropriate action is taken in terms of their undertaking in the counter affidavit, as and when necessary, for which petitioner will be free to approach the respondents 5 and 6, with proper petitions.

Writ Petition is disposed of accordingly.

Sd/-

**P.V.ASHA,
JUDGE.**

rkc