

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN  
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 3598 of 2015 (Y)  
-----

PETITIONER(S) :-  
-----

1. GEORGE THOMAS, AGED 57 YEARS  
S/O.THOMAS, THAIPARAMBIL HOUSE, MEENCUT KARA  
PALLIVASAL VILLAGE, DEVIKULAM TALUK
2. THRESIAMMA, AGED 50 YEARS  
W/O.GEORGE THOMAS, THAIPARAMBIL HOUSE, MEENCUT KARA  
PALLIVASAL VILLAGE, DEVIKULAM TALUK

BY ADVS.SRI.SIRAJ KAROLY  
SRI.R.PARAMESWARA IYER

RESPONDENT(S) :-  
-----

1. THE SUB INSPECTOR OF POLICE  
VELLATHOOVAL, VELLATHOOVAL POLICE STATION  
IDUKKI DISTRICT, PIN - 686127
2. CIRCLE INSPECTOR OF POLICE,  
MUNNAR, IDUKKI DISTRICT, PIN - 686 060.
3. DISTRICT POLICE CHIEF  
IDUKKI, IDUKKI DISTRICT, PIN - 686 063.
4. ASSISTANT EXECUTIVE ENGINEER  
(IN-CHARGE) KERALA STATE ELECTRICITY BOARD LTD.  
GENERATION DIVISION, CHITHIRAPURAM P.O., MUNNAR  
IDUKKI DISTRICT - 686 068.

BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR  
BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

WP(C).No. 3598 of 2015 (Y)

-----

APPENDIX

PETITIONER(S) ' EXHIBITS :-

-----

EXT.P1-TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY THE PANCHAYATH  
SECRETARY DT. 6.1.2012.

EXT.P2- TRUE COPY OF THE PLAINT IN O.S.NO.226/2010 DATED 1.9.2010.

EXT.P3- TRUE COPY OF THE INTERIM INJUNCTION ORDER DATED 13.10.2010.

EXT.P4- TRUE COPY OF THE JUDGMENT IN WP(C) NO.31163 OF 2014 DATED  
8.12.2014.

RESPONDENT(S) ' EXHIBITS :- NIL

-----

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, Ag. C.J &  
A.M. SHAFFIQUE, J.**

-----  
**W.P.(C) No.3598 of 2015**  
-----

**Dated this the 4<sup>th</sup> day of February 2015**

**J U D G M E N T**

**Shaffique, J.**

The petitioners have filed this writ petition alleging harassment by the police and seek for a direction to respondents 1 to 3 not to harass the petitioners and not to interfere with the civil dispute between the parties. A further direction is sought for directing the 4<sup>th</sup> respondent to refrain from resorting to illegal means to evict the 2<sup>nd</sup> petitioner and trespass into her property.

2. It is stated in the writ petition that the 2<sup>nd</sup> petitioner is in lawful possession of 22 cents of land comprised in Re-Survey No.262/3-3 in Block No.17 of Pallivasal Village, Devikulam Taluk. The suit filed by the petitioners as O.S.No.226 of 2010 before the Munsiff's Court, Devikulam has been transferred to the Tribunal dealing with Munnar eviction cases. The suit was

dismissed for default. Thereafter, the petitioners had approached this Court by filing Writ Petition (Civil) 31163 of 2014. The said writ petition was disposed of on 8.12.2014 directing to maintain status quo and also directed the Tribunal to restore the case and proceed with the remaining formalities of the case.

3. Though the petitioner complains about the action taken by the 4<sup>th</sup> respondent, no specific allegation has been made against respondent Nos.1 to 3.

4. Learned Government Pleader on instructions would submit that since the suit was dismissed for default, the Electricity Board has already been taken possession of the premises after notice to the petitioners. The building in the property has already been demolished. This aspect has been admitted by the learned counsel appearing for the 4<sup>th</sup> respondent also. But the learned counsel for the petitioners disputes the aforesaid fact.

5. As far as the petitioners' right to remain in possession of the property is concerned, it is a matter to be adjudicated before the civil court, as the suit is still

-: 3 :-

pending. As far as the police is concerned, there is no specific allegation that the police has interfered in the matter. Under such circumstances, we do not think that any direction can be issued as prayed for.

Accordingly, we dismiss the writ petition.

**Sd/-**  
**ASHOK BHUSHAN**  
**Ag. CHIEF JUSTICE**

**Sd/-**  
**A.M. SHAFFIQUE**  
**JUDGE**