

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

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 5267 of 2015 (G)

PETITIONER(S) :-

SWAPNA, KALAPPURACKAL HOUSE,
OCHANTHURUTH, PUTHUVYPPU VILLAGE,
KOCHI TALUK.

BY ADVS.SRI.BABU CHERUKARA
SMT.ROSAMMA MATHEW
SRI.P.A.SALIM
SRI.ANZAR BASHEER
SRI.P.ANTO THOMAS

RESPONDENT(S) :-

1. THE SUB INSPECTOR OF POLICE,
VADANAPPALLY POLICE STATION, THRISSUR DISTRICT - 680 001.
2. THE DISTRICT POLICE CHIEF,
THRISSUR DISTRICT, PIN - 680 614.
3. SANKARANARAYANAN, S/O.VELAPPAN,
PULIPPARAMBIL HOUSE, THALIKKULAM, PIN - 680 569.

R1 & R2 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

APPENDIX

Petitioner's Exhibits :-

Ext.P1 :- True copy of the document No.2387/2013 of Vadanappally Sub Registry dated 28.11.2013 in the name of the petitioner.

Ext.P1(a) :- True copy of English translation of Exhibit P1.

Ext.P2 :- True copy of the tax receipt issued from Thalikkulam Village Office dated 31.12.2014.

Ext.P2(a) :- True copy of English translation of Exhibit P2.

Ext.P3 :- True copy of plaint O.S.No.1076/2014 of the Munsiff's Court at Chavakkad, dated 7th May 2014.

Ext.P4 :- True copy petition dated 29.1.2015 to the 1st respondent.

Ext.P4(a) :- True copy of English translation of Exhibit P4.

Ext.P5 :- True copy of the receipt dated 31.1.2015 issued from the 1st respondent's office.

Ext.P5(a) :- True copy of English translation of Exhibit P5.

Respondent's Exhibits :- NIL.

//True Copy//

P.A.to Judge

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

W.P.(C) No.5267 of 2015

Dated this the 19th day of February 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking police protection. It is inter alia contended that the petitioner is the owner in possession of an extent of 8.64 Ares of property in Re-Survey No.229/6 of Thalikkulam Village, which he has purchased as per sale deed No.2387/2013 dated 28.11.2013 of Vadanappally Sub Registry. The property has also a passage having a width of 10 feet. It is complaining that the 3rd respondent is creating nuisance and is not permitting the petitioner to enjoy the property and the petitioner is being threatened with dire consequences, the petitioner had given a complaint as Ext.P4 before the first respondent, but no action has been taken in the matter.

2. It is submitted by the learned counsel appearing for the petitioner that a civil suit has been filed by the petitioner against certain others and the 3rd respondent is not a party to the same.

3. Learned State Attorney on instructions would submit that the 3rd respondent is a 90 year old person and is bedridden and the dispute between the parties is of civil nature.

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4. A perusal of Ext.P4 complaint indicates that the petitioner is only apprehending threat from the 3rd respondent and so far no offence has been committed. The petitioner feels that a warning is to be given to the 3rd respondent.

5. Having regard to the aforesaid factual situation, we do not think that it is necessary to issue any direction as claimed in the writ petition. However, we only observe that if there is any attempt to commit offence, on the complaint of the petitioner, the police shall look into the matter and do the needful in accordance with law.

With this observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE