

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 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 6004 of 2015 (A)

PETITIONER :

RAGHAVAN NADAR, AGED 76 YEARS,
S/O.VELYAUDHAN NADAR, 'VISHNU NIVAS',
THITTAVELIKKARA, PALLICHAL VILLAGE,
TRIVANDRUM DISTRICT.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS :

1. THE DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF DEPUTY SUPERINTENDENT OF POLICE,
NEYYATTINKARA - 695 121.
2. THE CIRCLE INSPECTOR OF POLICE,
OFFICE OF CIRCLE INSPECTOR OF POLICE,
NEYYATTINKARA - 695 121.
3. THE SUB INSPECTOR OF POLICE,
BALARAMAPURAM POLICE STATION - 695 501.
4. MADHAVI, VISHNU NIVAS,
THITTAVELIKKARA, PALLICHAL VILLAGE - 695 020.
5. VISHNU, S/O.RAGHAVAN NADAR,
VISHNU NIVAS, THITTAVELIKKARA,
PALLICHAL VILLAGE - 695 020.

R1 TO R3 BY SR. GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 6004 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF ORDER DATED 02.03.2013 IN M.C.NO.86/2012 BY THE
JFMC-III, NEYYATTINKARA.

EXT.P2 : TRUE COPY OF THE COPLAINT DATED 31.01.2015 BY PETITIONER
BEFORE 3RD RESPONDENT DATED 29.05.2009.

RESPONDENTS' EXHIBITS:

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 6004 OF 2015

Dated this the 25th day of February, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection. It is inter alia contended that there was a dispute with his former wife which ultimately resulted in an order passed by Judicial First Class Magistrate Court-III, Neyyattinkara in M.C No.86/2012 which is produced as Ext.P1. As per the said order, the petitioner has to reside in the ground floor and his wife has to reside in the first floor. Further it is indicated that if the petitioner wants to sell the property, he has to approach the Court for permission and before obtaining such permission he has to procure the same level of alternate accommodation to the complainant, namely his former wife, as is available to her now.

2. Petitioner submits that despite the said direction, he is not permitted to utilise the entire ground floor of the building and some of the rooms are locked. Though he has filed Ext.P2 complaint, police has not taken any action in that regard. According to the petitioner, he has absolute right to

use the ground floor portion which is prevented by private respondents.

3. Learned Government Pleader on instructions would submit that the petitioner was bringing intending purchasers to the property for which police protection cannot be granted as the petitioner can seek permission to sell the property only after providing an alternate accommodation to his former wife. Under such circumstances we do not think that the issue between the petitioner and private respondents can be decided by police. If at all the petitioner wants a further order, he will have to approach the same court and seek appropriate directions in the matter.

Under such circumstances we do not think that a direction for police protection can be granted. Accordingly, reserving the liberty of petitioner to approach learned Magistrate, the Writ Petition is closed.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**