

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

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 6332 of 2015 (N)

PETITIONER(S) :-

PUSHPA, AGED 73 YEARS, W/O.LATE M.KANCHI,
SUTHILAYAM, KUZHIMATTOM, PANACHIKKAD VILLAGE
KOTTAYAM THALUK, KOTTAYAM DISTRICT, PIN 686 533
NOW RESIDING AT RAILWAY QUARTERS NO. 20 L
MATTANCHERY HALT WILLINGTON ISLAND ROAD
ERNAKULAM DISTRICT, PIN 682029.

BY ADV. SMT.T.T.JAYANTHY

RESPONDENT(S) :-

1. THE STATE OF KERALA, REPRESENTED BY SECRETARY,
STATE HOME DEPARTMENT, THIRUVANANTHAPURAM, PIN 695001.
2. THE STATION HOUSE OFFICER, CHINGAVANAM POLICE STATION,
CHINGAVANAM, KOTTAYAM DISTRICT, PIN 686531.
3. SANTHAMMA, AGED ABOUT 44 YEARS, SUTHILAYAM,
KUZHIMATTOM, PANACHIKKAD VILLAGE, KOTTAYAM THALUK
KOTTAYAM DISTRICT PIN 686533.

R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27-02-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 THE TRUE COPY OF RETIREMENT BENEFIT AWARDED TO THE HUSBAND OF THE PETITIONER.

EXT.P2 THE TRUE COPY OF SALE DEED DATED 03.06.1993 ALONG WITH ITS TRUE TRANSLATION.

EXT.P3 THE TRUE COPY OF THE RELEASE DEED DATED 28.05.2011 ALONG WITH ITS TRUE TRANSLATION.

EXT.P4 THE TRUE COPY OF THE COMPLAINT DATED 12.2.2015 ALONG WITH ITS TRUE TRANSLATION.

EXT.P5 THE TRUE COPY OF THE RECEIPT OF THE COMPLAINT ISSUED BY THE CHINGAVANAM POLICE STATION ALONG WITH ITS TRUE TRANSLATION.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C). No.6332 of 2015

Dated this the 27th day of February 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking police protection to have an entry into her house. According to her, she is the absolute owner in possession of the property which she had got after the death of her husband. Her children had released the rights in her favour. However, the 3rd respondent, who is her daughter-in-law, is not permitting the petitioner to enter into the house. She filed a complaint before the police, but no action has been taken in the matter.

2. Learned Government Pleader on instructions would submit that the 3rd respondent had obtained an order of residence in the said building and if at all the petitioner wants to seek residence in the same building, she will have to get necessary orders from the relevant court.

3. Having regard to the above factual situation, it is clear that there is some dispute between the petitioner and her daughter-in-law. As the matter stands now, if the petitioner is not

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residing in the same building, if at all she wants to have a residence in the building, she has to approach appropriate civil court or appropriate forum and seek necessary orders. Under such circumstances, we do not think that it is a case in which the police can interfere and resolve the dispute between the parties.

Relegating the petitioner to approach the appropriate court/forum to adjudicate her rights, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE