

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. 6333 of 2015 (N)

PETITIONER(S) :-

1. PATHUMMA UMMA, AGED 74 YEARS, D/O.LATE MOITHEEN,
TIRUR TALUK, PERUMANNA AMSOM DESOM,
EDAVANNA VALAPPA, MALAPPURAM DISTRICT.
2. SUBAIDA, AGED 35 YEARS, D/O.PATHUMMA UMMA,
TIRUR TALUK, PERUMANNA AMSOM DESOM,
EDAVANNA VALAPPA, MALAPPURAM DISTRICT.

BY ADVS.SRI.J.R.PREM NAVAZ
SRI.P.T.SHEEJISH

RESPONDENT(S) :-

1. THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HOME AFFAIRS, THIRUVANANTHAPURAM - 695 001.
2. THE SUPERINTENDENT OF POLICE, MALAPPURAM - 676 001.
3. THE CIRCLE INSPECTOR OF POLICE, KALPAKANCHERRY POLICE STATION,
MALAPPURAM - 676 001.
4. THE STATION HOUSE OFFICER, KALPAKANCHERRY POLICE STATION,
MALAPPURAM - 676 001.
5. SAINABA AGED 46 YEARS, D/O.KUZHICKATTIL MOOSA,
PERUMANNA AMSOM DESOM, P.O.VALAKKULAM, 676508.
6. SHAMSUL HAQ, AGED 26 YEARS, S/O.KUZHICKATTIL MOOSA,
PERUMANNA AMSOM DESOM, P.O.VALAKKULAM, 676508.
7. BAVA, AGED 55 YEARS, S/O.SAITHALIKUTTY MASTER,
NAVUMKUNNATH HOUSE, (PRESIDENT PERUMANNA PANCHAYATH),
TIRUR TALUK, MALAPPURAM DISTRICT - 676 101.
8. SECRETARY PERUMANNA GRAMA PANCHAYATH, MALAPPURAM DISTRICT - 676 001.
9. MUSTHAFA, AGED 45 YEARS, S/O.MARAKKAR HAJI, POTHUVATH HOUSE
(MEMBER OF PANCHAYATH PERUMANNA), TIRUR TALUK, MALAPPURAM - 676 101.

R1 TO R4 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

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

APPENDIX

Petitioner's Exhibits :-

Ext.P1 :- True copy of the plaint in O.S.No.412/2014 Munsiff's Court Tirur with English translation.

Ext.P2 :- True copy of the FIR No.797/2014 at Kalpakancherry Police Station, dated 3/12/2014 with English translation.

Ext.P3 :- True copy of the notice issued by the 4th respondent to the petitioner with English translation.

Ext.P4 :- True copy of the complaint submitted before the District Collector along with its receipt No.PGRI/11056/2014/262 with English translation.

Ext.P5 :- True copy of the petition filed before the Superintendent of Police dated 20.12.2014 with English translation.

Respondent's Exhibits :- NIL.

//True Copy//

P.A. to Judge

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

W.P.(C). No.6333 of 2015

Dated this the 27th day of February 2015

J U D G M E N T

Shaffique, J.

The petitioners have approached this Court seeking for police protection inter alia contending that there was an attempt on the part of respondent Nos.5 and 6 to trespass into their property. The petitioners filed a civil suit before the Munsiff's Court, which is pending consideration. The application for interim injunction is posted to March 2015. In the mean time, there is an attempt on the part of the Panchayat to construct a pathway through the property of the petitioners. Though the petitioners submitted a complaint before the police seeking necessary protection to prevent the Panchayat from constructing a pathway through their property, no action has been taken in the matter and therefore, the petitioners have approached this Court.

2. Learned State Attorney on instructions would submit that the Panchayat was intending to maintain the road, which was obstructed by the petitioners and therefore, the Panchayat has submitted a complaint before the police asking for police

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protection. As matters stand now, there is no law and order situation, for which the police can interfere.

3. Having regard to the aforesaid factual situation, it is clear that the grievance projected by the petitioners is of civil nature, which cannot be adjudicated or settled by the interference of the police. If at all the petitioners have a contention that the Panchayat has no right to construct a pathway, it is always open for the petitioners to approach appropriate civil court or any other appropriate forum as the case may be. In the above view of the matter, we do not think that a direction as sought for in the writ petition can be issued.

Hence, the writ petition is dismissed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE