

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

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 6481 of 2015 (I)

PETITIONER(S) :

T.BHAGYAM AGED 58 YEARS
W/O.THANGAVELU, RESIDING AT MONDIPATHIYIL HOUSE
MOOCHANKUNDU, GOVINDAPURAM P.O., MUTHALAMADA
PALAKKAD DISTRICT.

BY ADV. SRI.K.K.ASHKAR

RESPONDENT(S) :

1. SI OF POLICE, KOLLENGODE
POLICE STATION, PALAKKAD DISTRICT-678506.

2. MR.SALUDHEEN, AGED 65 YEARS
S/O.ATHIR RAWTHER, RESIDING AT JASMI MANZIL
AATTAYAMPATHY, GOVINDAPURAM P.O., MUTHALAMADA
PALAKKAD, PIN-678507.

3. MR.SHAFAEEK RAHIMAN
S/O.SALUDHEEN, RESIDING AT JASMI MANZIL,
AATTAYAMPATHY, GOVINDAPURAM P.O.,
MUTHALAMADA, PALAKKAD, PIN-678507.

BY GOVERNMENT PLEADER SRI. C.R, SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 02-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 : TRUE COPY OF THE ASSIGNMENT ORDER DT.30-3-1977 ISSUED BY LAND TRIBUNAL-II, KOLLENGODE IN FAVOUR OF PETITIONER'S HUSBAND.

EXT.P2 : TRUE COPY OF THE CERTIFICATE OF PURCHASE NO.506/1977 ISSUED ON 6-6-1977 BY LAND TRIBUNAL II, KOLLENGODE IN FAVOUR OF PETITIONER'S HUSBAND ALONG WITH ITS ENGLISH TRANSLATION.

EXT.P3 : TRUE COPY OF THE POSSESSION CERTIFICATE DT.18-8-2007 BY THE VILLAGE OFFICER, MUTHALAMADA-I, IN FAVOUR OF PETITIONER'S HUSBAND.

EXT.P4 : TRUE COPY OF THE PHOTOGRAPHS SHOWING THE SPRING IN PETITIONER'S PROPERTY.

EXT.P5 : TRUE COPY OF THE LATEST ELECTRICITY BILL DT.15-12-14 FOR AGRICULTURE CONNECTION ISSUED IN FAVOUR OF PETITIONER'S HUSBAND ALONG WITH ITS ENGLISH TRANSLATION.

EXT.P6 : TRUE COPY OF THE SHOWING THE WIRED FENCE BUILT AROUND PETITIONER'S PROPERTY BY FELLING PALM TREES BY R2 AND 3 IN ENCROACHMENT.

EXT.P7 : TRUE COPY OF THE PHOTOGRAPHS SHOWING THE HAVOCKED SIDE COVERING OF ROOFLESS BATHROOM OF PETITIONER BY R2 AND 3.

EXT.P8 : TRUE COPY OF THE PHOTOGRAPHS SHOWING THE FUSE SNATCHED METER BOARD AND THE MOTOR SHED OF PETITIONER BY R2 AND 3.

EXT.P9 : TRUE COPY OF THE ACKNOWLEDGMENT DT.30-1-15 ISSUED BY DY.S.P. ALATHUR FOR RECEIPT OF PETITION MADE BY PETITIONER ALONG WITH ITS ENGLISH TRANSLATION.

EXT.P10 : TRUE COPY OF THE ACKNOWLEDGMENT DT.30-1-15 ISSUED BY SIL OF POLICE, WOMEN CELL, PALAKKAD FOR RECEIPT OF PETITION MADE BY PETITIONER ALONG WITH ITS ENGLISH TRANSLATION.

EXT.P11 : TRUE COPY OF THE PHOTOGRAPHS SHOWING THE INSIDE AND OUTSIDE VIEW OF HUT WHERE PETITIONER AND FAMILY RESIDE.

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

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W.P. C. No. 6481 of 2015
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Dated this the 2nd day of March, 2015

JUDGMENT

A.M.Shaffique, J.

Petitioner has approached this Court seeking for police protection.

2. It is submitted that the petitioner is the owner in possession of 10 acres of land in Muthalamada Village. She is residing in a thatched hut along with her husband and daughter. Petitioner submits that respondents 2 and 3 has trespassed into her property and has taken usufructs from the property. The respondents are also trying to grab the property of the petitioner

and the petitioner is threatened with dire consequences.

3. Apprehending danger to their life, petitioner has filed a complaint before the 1st respondent seeking police protection and since no action has been taken in the matter, this Writ Petition has been filed.

4. The averments in the Writ Petition would disclose an attempt on the part of respondents 2 and 3 to enter into the property of the petitioner. It also discloses an infringement of the right to enjoy the property.

5. Police cannot interfere with the civil rights of the parties and if there is any such intention on the part of respondents 2 and 3 to trespass into the property of the petitioner, it is for the petitioner to approach the civil court and obtain appropriate orders. Police can interfere only if there is law and order situation. If there is any such threat, commission

of offence or attempt to commit trespass, it shall be open for the petitioner to approach the police who shall look into the matter and do the needful.

With the above observation, this Writ Petition is disposed of.

Sd/-ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFIQUE,
JUDGE

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/truecopy/

P.S.toJudge