

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

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 9931 of 2013 (N)

PETITIONER(S):

1. HASSAN BEEVI
W/O. LATE K. MAIDEEN KUNNU RAWTHER
R/AT VARIATH THAZETHIL, EENATH P.O.
PATHANAMTHITTA DISTRICT, PIN - 691 526.
2. V.N. THAKAMANI,
W/O. M. SHAMSUDEEN, R/AT VARIATH THAZETHIL, EENATH P.O.
PATHANAMTHITTA DISTRICT, PIN - 691 526.

BY ADVS. SMT. T.S. MAYA (THIYADIL)
SRI. K. RAJEEV (THIYADIL)
SMT. K.A. SUNITHA

RESPONDENT(S):

1. DY. SUPERINTENDENT OF POLICE, PATHANAMTHITTA
ADOOR.
2. SUB INSPECTOR OF POLICE, EENATH POLICE STATION
3. NILOOFAR, , AGED 24 YEARS
D/O. NUJUMUDEEN, R/AT VARIATH THAZETHIL, EENATH P.O.
PATHANAMTHITTA DISTRICT, PIN - 691 526.
4. NUJUMUDEEN, AGED 55 YEARS
DARUL NUJOOM KOYAL VARAM, VAKKAM VILLAGE
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM DISTRICT
5. BEENA BEEGUM, , AGED 45 YEARS
DARUL NUJOOM KAYAL VARAM, VAKKAM VILLAGE
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM DISTRICT.

R4,5 BY ADV. SRI. M.R. RAJESH
R1 & 2 BY SR. GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-01-2015,
ALONG WITH WPC. 11810/2013, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 9931 of 2013 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: COPY OF THE COMPLAINT FILED BY THE PETITIONERS BEFORE THE 1ST
RESPONDENT ON 12/3/2013 AND ITS RECEIPT.

EXHIBIT P2: COPY OF THE COMPLAINT FILED BY THE PETITIONERS BEFORE THE 1ST
RESPONDENT ON 18/03/2013 AND ITS RECEIPT.

RESPONDENT(S)' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

sou.

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

W.P.(C). No. 9931 of 2013
and
W.P.(C). No. 11810 of 2013

Dated this the 6th day of January, 2015

J U D G M E N T

Shaffique, J

Petitioners in these writ petitions has approached this court seeking police protection. The petitioner in WP(C). No.11810 of 2013 is the divorced wife of the son of Smt. V. N. Thankamani, who is the second petitioner in WP(C). No.9931 of 2013. She has obtained an order in M.C. No.23 of 2010 of Judicial First Class Magistrate Court Adoor under section 12 of the Protection of Women from Domestic Violence Act, 2005. As per the order, she is allowed to reside in the building, which is in possession of the petitioner in WP(C) No.9931 of 2013. According to the petitioner in that case, the property belongs to the petitioner and that the petitioner in WP(C) No.11810 of 2013 cannot have any right to reside in that building.

2. Apparently, there is family dispute between the parties in relation to right of residence as well as right in respect of property

which is to be adjudicated before an appropriate forum.

3. Learned State Attorney submits that after filing of the writ petition, no untoward incident has been reported.

4. Learned counsel for the petitioner in WP(C) No.11810 of 2013 submits that the petitioner is not in a position to reside in the building though she has obtained an order in her favour, as unnecessary obstruction is created by party respondents.

5. Having regard to the limited scope of interference in a police protection matter we do not think that any order is required to be passed in these cases. It shall be open for the petitioners to approach the police, in the event of any offence being attempted or committed, who shall look into the matter.

With this observation, this writ petition is closed.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE.

sou.