IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No.8131 of 2015 (N)

PETITIONER:

SAJEEV P.R.,AGED 49 YEARS,S/O.REGHUVARAN,
RESIDING AT AMRITHAPURI (PERUMASSERI),
PADINJAREMURI,PADINJATTINCHERI,
NADUVEILE VILLAGE,VAIKOM TALUK.

BY ADVS.SRI.R.RAJASEKHARAN PILLAI
SMT.SABINA JAYAN

RESPONDENT'S:

1. **THE CIRCLE INSPECTOR OF POLICE,**
VAIKOM-686141.

2. **THE SUB INSPEXTOR OF POLICE,VAIKOM-686141.**

3. **THE AKHILA KERALA DHEEVARA SABHA AKDS NO.20,**
POLLASSERY,VAIKOM,REPRESENTED BY ITS
SECRETARY VISWAKUMAR-686141.

4. **RAJESH,AGED 38 YEARS,RESIDING AT**
VAZHAKADAVIL,POLLASSERI,VAIKOM-686141.

5. **JAYAPALAN,RESIDING AT AMBADIYIL,**
POLASSERI,VAIKOM-686141.

6. **MANONMANI,RESIDING AT AMADIYIL,**
POLLASSERI,VAIKOM-686141.

7. **KISHORE,S/O.NARAYANAN,RESIDING AT AMBADIYIL,**
POLLASSERI,VAIKOM-686141.

8. **RAJENDRAN,RESIDING AT KOZHIKOATTU,**
POLASSERI,VAIKOM-686141.

9. ***RAKESH,S/O.CHELLAPPAN,RESIDING AT PERAYIL,**
POLASSERI,VAIKOM-686141.

Pto

10. RAHUL,RESIDING AT KANNUVALLITHARA,
POLLASSERI,VAIKOM.

*[ADDRESS OF R9 CORRECTED AS 'RAKESH, S/O.REGHUVARAN
RESIDING AT KANNUVALLITHARA, POLLASSERI
VAIKOM.'
CORRECTED AS PER ORDER DATED 24.03.2015 IN IA 4270/15.]

R1 & R2 BY SENIOR GOVT. PLEADER SRI.C.R.SYAMKUMAR.
R3-R8 & R10 BY ADVS.SRI.P.S.NANDANAN
SRI.P.N.ANOOP
SRI.SANTHOSH PETER (MAMALAYIL)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

pk

WP(C).No.8131 of 2015 (N)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1:TRUE COPY OF THE IA NO.3132/2014 IN SA NO.81/2003 FILED BY THE PETITIONER.

EXHIBIT P2:TRUE COPY OF THE JUDGMENT DATED 28.9.1977 IN OS NO.140/1977 OF THE MUNSIFFS COURT VAIKOM.

EXHIBIT P3:TRUE COPY OF THE REQUEST DATED 11.3.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P3:A TRUE COPY OF THE ENGLISH TRANSLATION OF EXT.P3.

EXHIBIT P4:TRUE COPY OF THE WILL EXECUTED IN FAVOUR OF THE PETITIONER AND ENGLISH TRANSLATION.

RESPONDENT'S EXHIBITS **NIL**

//TRUE COPY//

P.S. TO JUDGE

pk

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

W.P.C.No.8131 of 2015

Dated this the 23rd day of June 2015

J U D G M E N T

Shaffique,J

Petitioner has approached this Court seeking police protection alleging that respondents 3 to 10 and their men are obstructing him from enjoying the property and they are wantonly trespassing into the property. Petitioner relies upon judgments and decrees by which the title of the petitioner's predecessor have been confirmed and submits that the private respondents have no right to interfere with the possession of the petitioner. When the 3rd respondent and their men had initiated criminal action against the petitioner, complaint was given to the police. Since no action was taken in the matter, this writ petition is filed.

2. Counter affidavit has been filed by respondents 3 to 8 and 10 inter alia stating that they have not obstructed the petitioner in any manner, whereas people in the locality

were using a portion of the property as pathway which is being obstructed by the petitioner. According to them, there is no law and order situation which warrants an order of police protection.

3. Reply affidavit has been filed by the petitioner further indicating that on account of the disputes raised by certain persons in the locality, he has filed a suit as O.S.No.147/2015 before the Munsiff Court, Vaikom seeking declaration of title and possession of the property in question.

4. The learned Government Pleader, on instructions, would submit that the issue is with reference to a pathway through the property in question and other than that there is no law and order situation.

5. Having regard to the fact that the petitioner has already filed a civil suit, his right to enjoyment of the property has to be adjudicated by the said court. Police cannot interfere in such issues. However, if there is any

offence committed or attempt to commit offence, on the complaint of the petitioner, police shall look into the matter and do the needful in accordance with law.

With the above observation, this writ petition is closed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr