

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN**

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

WP(C).No. 13106 of 2013 (K)

PETITIONER :

**ISSAC SAMUEL
ADVOCATE, AGED 47 YEARS, S/O. DR.SAMUEL, TC 11/778
G.V.30, PATTOM PALACE POST, THIRUVANANTHAPURAM.**

BY ADV. SRI. V. PHILIP MATHEW

RESPONDENT(S) :

- 1. THE SUB INSPECTOR OF POLICE
MUSEUM POLICE STATION, THIRUVANANTHAPURAM-695 033.**
- 2. THE CIRCLE INSPECTOR OF POLICE
MUSEUM POLICE STATION, THIRUVANANTHAPURAM-695 033.**
- 3. THE COMMISSIONER OF POLICE
THIRUVANANTHAPURAM-695 014.**
- 4. THE DEPUTY COMMISSIONER OF POLICE (LAW AND ORDER)
VAZHUTHACAUD, THIRUVANANTHAPURAM-695 014.**
- 5. D.GEORGE
S/O. DANIEL, JATHIKATHOPPIL, KOLLA KA POST
KARUNAGAPPALLY, KOLLAM DISTRICT-691 001.**
- 6. MARY ALICE
D/O. ESTHER JOHNSON, PROVINCE, PUTHUKULANGARA
NEDUMANGAD, THIRUVANANTHAPURAM-695 541.**
- 7. SARAMMA CHERIAN
D/O. DANIEL, KOTTAKAD HOUSE, SOUTH PUTHUPALLY
KAYAMKULAM, ALAPPUZHA DISTRICT-690 527.**

8. MARY LUKOSE
D/O. DANIEL, HERMON VILLA, KOLLAKA POST
KARUNAGAPPALLY, KOLLAM DISTRICT-691 001.
9. ELIZABETH GEORGE
D/O. DANIEL, SARA VILLA, RESIDENCY ROAD
KOLLAM DISTRICT-691 001.
10. J.C.GEORGE
S/O. JOHNSON, 4/900, KOWDIAR
THIRUVANANTHAPURAM DISTRICT-695 004.
11. THE DISTRICT COLLECTOR
THIRUVANANTHAPURAM-695 001.

R1 TO R4 BY SR. GOVT. PLEADER SRI. P.I. DAVIS
R6 BY ADV. SRI.B.KRISHNA MANI
R10 BY ADVS. SRI.P.RAVEENDRAN PILLAI
SMT.INDIRA RAVEENDRAN
SMT.R.DEVI SHRI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...3/-

WP(C).No. 13106 of 2013 (K)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 :** COPY OF THE ORDER OF INJUNCTION DTD.13.5.2013 PASSED BY THE II ADDL. DISTRICT COURT, THIRUVANANTHAPURAM IN IA NO.1414/2013.
- EXT. P2 :** COPY OF THE ORDER DTD.14.5.2013 PASSED BY THE II ADDL. DISTRICT COURT, THIRUVANANTHAPURAM IN IA. 1444, 1446, 1477/13 IN IA NO.1414/2013.
- EXT. P3 :** COPY OF THE REPRESENTATION DTD.20.5.2013 SEND BY THE PETITIONER TO THE 4TH RESPONDENT.
- EXT. P4 :** COPY OF SUIT, OS NO. 369/2005 FILED BEFORE SUB COURT, THIRUVANANTHAPURAM.
- EXT. P5 :** COPY OF ORDER IN IA NO. 1424/2012 IN OS NO. 369/2005 ON THE FILE OF SUB COURT, THIRUVANANTHAPURAM.
- EXT. P6 :** COPY OF COMPROMISE PETITION FILED BY PLAINTIFF AND DEFENDANTS IN OS NO. 369/2005 ON THE FILE OF SUB COURT, THIRUVANANTHAPURAM.
- EXT. P7 :** COPY OF FIR NO. 666/2013 OF MUSEUM POLICE STATION.

RESPONDENT(S)' EXHIBITS :

- EXT. R10(a)** COPY OF THE ADMITTED SIGNATURE OF RACHEL AMMA DANIEL IS CONTAINED IN A REGISTERED PARTITION DEED.
- EXT. R10(b)** COPY OF THE ALLEGED WILL IN FAVOUR OF THE PETITIONER.
- EXT. R10(c)** COPY OF THE TRUE WILL EXECUTED BY RACHEL AMMA DANIEL.
- EXT. R10(d)** COPY OF THE MY TREATMENT CERTIFICATE.

//TRUE COPY//

P.S. TO JUDGE

Mn

ASHOK BHUSHAN, C.J. & K. RAMAKRISHNAN, J.

W.P.(C) No. 13106 OF 2013

Dated this the 15th day of December, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner, learned Senior Government Pleader and learned counsel appearing for the private respondents.

2. This writ petition has been filed by the petitioner seeking a direction to respondents 1 to 4 to grant adequate and effective police protection to the life of the petitioner and his family members so as to enable the petitioner and his family members to live peacefully in their house without any threat or obstruction from respondents 5 to 10.

3. Learned counsel for the private respondents submits that though the petitioner is a tenant, now he is claiming right over the property on the basis of a Will, which is a forged one. It is further submitted that a suit was filed by the petitioner for injunction which has been dismissed. It is further submitted that the respondents have also filed a Rent Control Petition which is also pending.

4. We are of the view that in view of the fact the dispute is of civil nature as noted above, present is not a case for granting police protection. Police can interfere only when there is law and order situation.

With the above observation the Writ Petition is closed.

**Ashok Bhushan,
Chief Justice.**

**K. Ramakrishnan,
Judge.**