

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 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WP(C) .No. 10803 of 2015 (A)

PETITIONER(S) :-

MANALIL G. NARAYANA PILLAI SMARAKA LIBRARY
HAVING REGISTRATION NO.5905, KANNIMEL CHERRY
KAVANADU P.O, KOLLAM, REPRESENTED BY ITS PRESIDENT
K.MADHU, S/O.KUNJAN PILLAI, AGED 56.

BY ADVS.SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA

RESPONDENT(S) :-

1. THE DISTRICT COLLECTOR, KOLLAM - 691 013.
2. THE ASSISTANT COMMISSIONER OF POLICE
OFFICE OF ASSISTANT COMMISSIONER OF POLICE
MUNDAKKAL P.O, KOLLAM - 691 001.
3. THE INSPECTOR OF POLICE,
KOLLAM WEST, COLLECTORATE P.O, KOLLAM - 691 001.
4. THE SUB INSPECTOR OF POLICE
SAKTHIKULANGARA POLICE STATION, KOLLAM - 691 581.
5. K.I.ANANDAN PILLAI, AGED ABOUT 65 YEARS,
S/O.JANARDHANAN PILLAI, "AAVANI"
KANNIMELCHERRY, KAVANAD P.O, KOLLAM - 691 003.
6. P.J.RADHAKRISHNA PILLAI, AGED ABOUT 65 YEARS
S/O.JANARDHANAN PILLAI, ANANDA BHAVANAM,
KANNIMEL CHERRY, KAVANAD P.O., KOLLAM - 691 003.
7. P.J.RAVEENDRAN PILLAI, AGED ABOUT 59 YEARS
S/O.JANARDHANAN PILLAI, RANJITH BHAVAN,
KANNIMEL CHERRY, KAVANAD P.O., KOLLAM - 691 003.
- ADDL.8.TRAVANCORE DEVASWOM BOARD, NANTHANCAUD VAZHUTHACAUD,
THIRUVANANTHAPURAM.

ADDL.R8 IMPEADED AS PER ORDER DATED 1.7.2015 IN
I.A.9146/15.

R5-R7 BY ADV. SRI.NIDHI BALACHANDRAN
SRI.SABU GEORGE

ADDL.R8 BY SRI.M.V.S.NAMBOOTHIRI, STANDING COUNSEL
BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1: TRUE COPY OF CERTIFICATE DATED 04-07-2009 ISSUED BY DISTRICT LIBRARY COUNCIL, KOLLAM.

EXT.P1(a): TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT. P1.

EXT.P2: TRUE COPY OF BASIC TAX REGISTER OF 9.50 ARES IN RE.SY.NO.46/15 OF SAKTHIKULANGARA VILLAGE.

EXT.P2(a): TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT. P2.

EXT.P3: TRUE COPY OF DEMAND AND DISCONNECTION NOTICE DATED 18-02-2015 ISSUED BY KSEB.

EXT.P3(a): TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT. P3.

EXT.P4: TRUE COPY OF MINUTES OF MEETING DATED 07-05-2007 OF CORPORATION OF KOLLAM.

EXT.P4(a): TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT. P4.

EXT.P5: TRUE COPY OF APPEAL PETITION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P6: TRUE COPY OF PLAINT IN O.S.NO.578 OF 2014 FILED BY THE PETITIONER BEFORE THE MUNSIFF'S COURT, KOLLAM.

EXT.P7: TRUE COPY OF PHOTOGRAPHS SHOWING THE ILLEGAL ENCROACHMENT BY RESPONDENTS 5 TO 7.

EXT.P8: TRUE COPY OF PHOTOGRAPHS OF THE PROPERTY AND PETITIONER'S LIBRARY PRIOR TO THE ILLEGAL ENCROACHMENT BY RESPONDENT 5 TO 7.

EXT.P9: TRUE COPY OF COMPLAINT DATED 19-3-2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT WITH COPY TO RESPONDENTS 3 AND 4.

EXT.P9(a): TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT-P9.

EXT.P10: TRUE COPY OF ACKNOWLEDGEMENT OF RECEIPT OF EXT.P9 DATED 19-3-2015.

EXT.P10(a): TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT.P10.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.10803 of 2015

Dated this the 27th day of October 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking for police protection. It is submitted that they are in possession of an extent of 1.87 Ares of property in Re-Survey No.461/5 of Sakthikulangara Village and that a library is being functioning in the property, which is being obstructed by respondents 5 to 7. Subsequently, the Travancore Devaswom Board had been impleaded as additional respondent.

2. It is submitted by the petitioner as well as the learned counsel appearing for the 6th respondent that a civil suit is pending between them with reference to the right and possession of the above property.

3. Now, the contention urged on behalf of the petitioner is that respondents 5 to 7 are obstructing the functioning of the library. It is pointed out that they have trespassed into the portion of the property, which is a Government land and is now obstructing the functioning of the library. Learned counsel also relied upon Exts.P7 and P8 photographs.

-: 2 :-

4. Apparently, the issue is not with reference to any offence being committed by respondents 5 to 7. The contention is that the petitioner is unable to enjoy the property as a library, for which, obstruction is being created by respondents 5 to 7.

5. Under such circumstances, it is open for the petitioner to approach the civil court and obtain appropriate orders. We do not think that the police can interfere and resolve the dispute. The police can interfere only if there is any law and order situation arises. No such situation has happened in the present case.

Accordingly, the writ petition is dismissed reserving the right of the petitioner to approach the civil court for appropriate relief.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE