

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 11123 of 2015 (M)

PETITIONERS:

1. **P.A.ABRAHAM, AGED 51 YEARS, S/O. P.I. ABRAHAM,
RESIDING AT PULIMOOTTIL HOUSE, CHAMBAKKARA P.O.,
KARUKACHAL VILLAGE, CHANGANASSERY TALUK, KOTTAYAM DISTRICT.**
2. **SUJA ABRAHAM, AGED 45 YEARS, W/O.P.A. ABRAHAM,
PULIMOOTTIL HOUSE, CHAMBAKKARA P.O.,
KARUKACHAL VILLAGE, CHANGANASSERY TALUK, KOTAYAM DISTRICT.**

**BY ADVS.SRI.ANIL D. NAIR
SRI.R.SREEJITH
SMT.C.S.SULEKHA BEEVI
SMT.ROSIE ATHULYA JOSEPH
SMT.MANEESHA KUMAR**

RESPONDENTS:

1. **THE COMMISSIONER OF POLICE, PATHANAMTHITTA - 689 645.**
2. **THE CIRCLE INSPECTOR OF POLICE, PATHANAMTHITTA - 689 645.**
3. **THE SUB INSPECTOR OF POLICE, PATHANAMTHITTA POLICE STATION
PATHANAMTHITTA DISTRICT - 689 645.**
4. **REV. FATHER GEORGE VARGHESE, VICAR, ST.STEPHENS ORTHODOX
SYRIAN CATHEDRAL, MAKKAMKUNNU, AZHOOR MURI,
KOZHENCHERRY TALUK, PATHANAMTHITTA 689 645**
5. **SRI. SUNNY VARGHESE, TRUSTEE, ST.STEPHENS CATHEDRAL,
RESIDING AT CHERUVIPUTHENVETIL HOUSE,
MAKKAMKUNNU P.O., PATHANAMTHITTA 689 645**

- 6. SRI.K.O. VARGHESE, KIZHAKKEDATH HOUSE,
MAKKAMKUNNU, PATHANAMTHITTA P.O., 689 645.**
- 7. SRI.SHIBU MATHEW, KUNNITHOTTATHIL HOUSE,
MAKKAMKUNNU, PATHANAMTHITTA P.O., 689 645.**

R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.C.R. SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1	:	TRUE COPY OF THE REGISTERED LEASE DEED DATED 29.09.2001 IN FAVOUR OF FIRST PETITIONER WITH TRANSLATION
EXHIBIT P1(A)	:	TRUE COPY OF THE REGISTERED LEASE DEED DATED 29.09.2001 IN FAVOUR OF THE 2ND PETITIONER WITH TRANSLATION
EXHIBIT P1(B)	:	TRUE COPY OF THE SUPPLEMENTAL DOCUMENT EXECUTED IN FAVOUR OF PETITIONERS WITH TRANSLATION
EXHIBIT P2	:	TRUE COPY OF THE DEED EXECUTED FOR HANDING OVER OF VACANT POSSESSION DATED 3.11.2012 WITH TRANSLATION
EXHIBIT P2(A)	:	TRUE COPY OF THE RECEIPT DATED 21.05.2013 ISSUED FOR RETURN OF SECURITY DEPOSIT
EXHIBIT P3	:	TRUE COPY OF THE LAWYER NOTICE ISSUED TO THE PETITIONERS DATED 30.09.2013
EXHIBIT P4	:	TRUE COPY OF THE REPLY ISSUED ON BEHALF OF THE PETITIONER DATED 13.12.2013
EXHIBIT P5	:	TRUE COPY OF THE COMPLAINT FILED BEFORE VYAPARI VYAVASAI EKOPANA SAMITHY DATED 27.08.2013 WITH TRANSLATION
EXHIBIT P6	:	TRUE COPY OF THE COMPLAINT FILED BEFORE POLICE DATED 27.08.2013 WITH TRANSLATION
EXHIBIT P7	:	TRUE COPY OF THE PLAINT IN O.S. 19/2014
EXHIBIT P8	:	TRUE COPY OF THE PLAINT IN O.S. 20/2014
EXHIBIT P9	:	TRUE COPY OF THE COMPLAINT FILED BY PETITIONER BEFORE THE POLICE DATED 13.07.2014 WITH TRANSLATION
EXHIBIT P10	:	TRUE COPY OF THE O.P. TICKET ISSUED TO ASHOK KUMAR DATED 13.07.2014 FROM GENERAL HOSPITAL, PATHANAMTHITTA WITH TRANSLATION

- EXHIBIT P10(A) : TRUE COPY OF THE O.P. TICKET ISSUED TO SUDHEESH
DATED 13.07.2014 FROM GENERAL HOSPITAL
PATHANAMTHITTA WITH TRANSLATION
- EXHIBIT P10(B) : TRUE COPY OF THE O.P.TICKET ISSUED TO SREEKUMAR
DATED 13.07.2014 FROM GENERAL HOSPITAL,
PATHANAMTHITTA WITH TRANSLATION
- EXHIBIT P11 : TRUE COY OF THE JUDGMENT IN W.P.(C) NO.18859/2014
DATED 5TH AUGUST 2014
- EXHIBIT P12 : TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 1ST
PETITIONER TO 1ST RESPONDENT DATED 25.03.2015
ALONG WITH ACKNOWLEDGMENT
- EXHIBIT P13 : TRUE COPY OF THE ACKNOWLEDGMENT OF 1ST
RESPONDENT DATED 26.03.2015 ALONG WITH
ACKNOWLEDGMENT WITH TRANSLATION

RESPONDENT'S EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

JJJ

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

W.P.(C) No. 11123 of 2015 (M)

Dated this the 9th day of April, 2015

J U D G M E N T

A.M.Shaffique, J.

This petition has been filed alleging harassment by Police.

2. According to him, he is a tenant in the premises and there is some dispute between him and the landlord. It is contended that the Police is interfering in the said dispute and is trying to forcibly evict the petitioner from the tenanted premises. A suit is also pending in the matter. In the meantime, the landlord appears to have filed a complaint to the police, on the basis of which the police had interfered in the matter.

3. It is submitted by the learned counsel for the petitioner that the tenanted premises is now locked and a

key is kept by the Police. This is based on the affidavit filed by the landlord before the Court.

4. The learned Government Pleader, on instructions, would submit that the Police does not retain any key of the tenanted premises. That apart, on enquiry it was revealed that the shop room has two locks and one key is retained by the petitioner and other key, according to the petitioner, is kept by the landlord.

5. Having regard to the fact that the dispute is between the landlord and the tenant, we do not intend to pass any order. We are only considering the question whether the police have unnecessarily involved in the matter. Police have interfered in the matter only on the basis of the complaint filed by the landlord. The learned Government Pleader also submits that the Police does not have any key and it shall always be open for the tenant to take appropriate action in accordance with law.

In the result, we do not find that this is a case of police harassment and accordingly we close the writ petition leaving open the rights of the parties to approach the civil court for appropriate reliefs, if necessary.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

jjj