

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 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WP(C).No. 12712 of 2014 (L)

PETITIONER(S):

**MATHAI, 67 YEARS,
S/O.OUSEPH, PULIKKATHOTTIYIL HOUSE, PERIMBADARI POST,
MANNARKKAD, PIN - 678 762.**

BY ADV. SRI.R.SREEHARI

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE HOME SECRETARY, SECRETARIAT, KERALA,
THIRUVANANTHAPURAM, PIN - 695 001.**
- 2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, KERALA,
THIRUVANANTHAPURAM - 695 001.**
- 3. DISTRICT POLICE CHIEF,
OFFICE OF THE DISTRICT POLICE CHIEF,
PALAKKAD - 678 001.**
- 4. CIRCLE INSPECTOR OF POLICE,
MANNARKKAD, PALAKKAD DISTRICT - 678 582.**
- 5. SUB INSPECTOR OF POLICE,
MANNARKKAD POLICE STATION, MANNARKKAD - 678 582.**
- 6. RAJALEKSHMI AMMA,
D/O.BHARGAVI AMMA, VALLULLIKALATHIL, KALLADIKODE POST,
MANNARKKAD, PIN - 678 596.**
- 7. P.V.SETHUMADHAVAN,
S/O.BHARGAVI AMMA, VALLULLIKALATHIL, KALLADIKODE POST,
MANNARKKAD, PIN - 678 596.**

**R1-R5 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R6 & R7 BY ADVS. SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S. THAMPI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 12712 of 2014 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. PHOTO COPY OF POSSESSION CERTIFICATE DATED 05.07.2006 ISSUED
BY THE VILLAGE OFFICER, KARIMBA II VILLAGE.**

**EXHIBIT P2. PHOTO COPY OF THE ORDER IN IA 558/2006 IN OS NO.92/2006 DATED
18.07.2007 OF MUNSIFF-MAGISTRATE COURT, MANNARKKAD.**

**EXHIBIT P3. PHOTO COPY OF JUDGMENT IN C M A NO.16/2007 DATED 26.09.2009 OF
SUB COURT, OTTAPALAM.**

**EXHIBIT P4. PHOTO COPY OF JUDGMENT IN OS NO.92/2006 DATED 01.02.2014 OF
MUNSIFF-MAGISTRATE COURT, MANNARKKAD.**

**EXHIBIT P5. PHOTO COPY OF PETITION FILED BEFORE THE 4TH RESPONDENT
DATED 23.04.2014.**

**EXHIBIT P6. PHOTO COPY OF THE ORDER IN IA.171/2014 IN OS.NO.92/206 OF
MUNSIFF MAGISTRATE COURT, MANNARKKAD DTD.22.1.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

*** * * * ***

W.P.C.No.12712 of 2014

Dated this the 26th day of November 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking police protection alleging threat from respondents 6 and 7.

2. Learned counsel appearing for respondents 6 and 7 submits that the issue between the parties is with reference to a dispute over a property and the petitioner is trying to trespass into the property which had already been sold.

3. This fact is disputed by the learned counsel for the petitioner. According to the him, respondents 6 and 7 are trying to trespass into the property belonging to the petitioner.

4. The issue between the parties, absolutely, is relating to the right over a property, which cannot be resolved by the police in a police protection matter. Police can interfere, only if there is any law and order situation.

5. The learned Government Pleader, on instructions, would submit that on the basis of the complaint, parties were summoned and they were asked to maintain peace.

6. Having regard to the aforesaid submission, we do not think that any further direction is required to be passed in the writ petition. However, we observe that if there is any law and order situation, it shall be open for the petitioner to approach the police, who shall look into the matter and take appropriate action, in accordance with law.

With the above observation, this writ petition is closed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/26/11/2015