

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 12680 of 2015 (H)

PETITIONER(S):

**SUBAIDA BEEVI, AGED 63 YEARS,
D/O.LATE SUHARA BEEVI,
RESIDING AT PADINJATTINKARA KALEELIL VEEDU,
MANNARAKKODU, PEZHUMOODU, CHITHARA VILLAGE,
KOTTARAKKARA TALUK, KOLLAM DISTRICT.**

**BY ADVS.SRI.J.R.PREM NAVAZ
SRI.P.T.SHEEJISH**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REP. BY ITS SECRETARY, DEPARTMENT OF HOME AFFAIRS,
THIRUVANANTHAPURAM-695 001.**
- 2. THE SUPERINTENDENT OF POLICE,
KOLLAM-691 001.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
KADAKKAL CIRCLE, KOLLAM-691 536.**
- 4. THE STATION HOUSE OFFICER,
KADAKKAL POLICE STATION, KOLLAM-691 536.**
- 5. MURALEEDHARAN, AGED 50 YEARS,
SANKARA VILASOM, CHITHARA (PO), KOTHALA MURI,
CHITHARA VILLAGE, KOTTARAKKARA TALUK-691 559.**
- 6. SUNNY, AGED 45 YEARS,
S/O.SANTHA, PARAVILA VEEDU, VALAVUPACHA P.O.,
PEZHUMOODU, VALAVIL, CHITHARA VILLAGE,
KOTTARAKKARA TALUK-691 559.**

msv/

WP(C).No. 12680 of 2015 (H)

7. SALEENA,
AGED ABOUT 42 YEARS, RESIDING AT ANIZHAM, VENKODU,
VALAVUPACHA P.O., UNNIMUKKU, CHITHARA VILLAGE,
KOTTARAKKARA TALUK-691 159.

8. BEENA,
D/O.SAROJINI, PARAVILA VEEDU, MANNARAKKODU,
VALAVUPACHA PO, CHITHARA VILLAGE,
KOTTARAKKARA TALUK-691 559.

R1-R4 BY GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 12680 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT P1 : TRUE COPY OF THE APPLICATION GIVEN TO THE THAHASILDAR,
KOTTARAKKARA DATED 17-11-2014.

EXT P2 : TRUE COPY OF THE COMMISSION REPORT FILED BY THE COMMISSIONER
IN OS 700/2014 DATED 15-12-2014.

EXT P3 : TRUE COPY OF THE JUDGMENT IN OS. NO. 700/2014 DATED 27-1-2015.

EXT P4 : TRUE COPY OF THE DECREE IN OS NO.700 OF 2014 DATED 27-1-2014.

EXT P5 : TRUE COPY OF THE COMPLAINT FILED BEFORE THE CIRCLE INSPECTOR
OF POLICE, KADAKKAL, DATED 15-3-2015.

EXT P6 : TRUE COPY OF THE FIR NO.414/2015 OF KADAKKAL POLICE STATION,
DATED 5-4-2015.

EXT P7 : TRUE COPY OF THE COMPLAINT FILED BEFORE THE SUPERINTENDENT OF
POLICE, KOLLAM DATED 6-4-2015.

EXT P8 : TRUE COPY OF THE EXECUTION/PROSECUTION APPLICATION FILED
UNDER ORDER 21 RULE 9, 10 AND 11 OF THE CODE OF CIVIL PROCEDURE,
DATED 10-4-2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

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

*** * * * ***

W.P.C.No.12680 of 2015

Dated this the 25th day of May 2015

J U D G M E N T

Shaffique,J

Petitioner has approached this Court alleging various highhanded activities by respondents 5 to 8. It is alleged that the petitioner and her late husband had purchased 23.69 Ares of land in Sy.No.24/12 of Kadakkal village. Respondents 5 to 8 had earlier approached her husband and demanded portions from their property for widening of the pathway, which was refused. Thereafter, they started to create nuisance and were trying to encroach into the property. Petitioner filed O.S.No.700/2014 before the Munsiff Court, Kottarakkara and an injunction has been granted by decreeing the suit restraining respondents 5 to 8 from trespassing into the property. Though complaints have been filed before the police, no action has been taken in the matter. Petitioner apprehends threat to her life and

therefore has approached this Court.

2. Though notice was ordered to respondents 5 to 8, there is no appearance on their behalf.

3. The learned Government Pleader, on instructions, would submit that on the complaint given by the petitioner, crime has been registered. Few persons were arrested and later released on bail. The matter is pending investigation. After the incident, no untoward incident has been reported to the police. If there is any law and order situation, the police will take appropriate action, in accordance with law.

Having regard to the aforesaid submission by the learned Government Pleader, we do not think it necessary to pass any further orders in this writ petition. However, we observe that if any offence is committed or there is any attempt to commit offence, it is always open for the petitioner to file necessary complaint before the police who shall look into the matter and take appropriate action, in accordance with law.

With the above observation, this writ petition is disposed of.

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

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

jsr

