

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 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(C) .No. 12943 of 2015 (P)

PETITIONER(S) :

1. BABU P.V AGED 52 YEARS
S/O. MATHAI, MANGALASSERY HOUSE, MAMALASSERU P.O.
RAMAMANGALAM - 686 663.

2. K.V. DIVAKARAN,
S/O. BALAKRISHNAN NAIR, KANNIYATTU HOUSE
VADAYAMBADY P.O., PUTHENCROUZ - 682 308.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENT(S) :

1. THE SUB INSPECTOR OF POLICE
PUTHENCROUZ POLICE STATION, PUTHENCROUZ
ERNAKULAM DISTRICT - 682 308.

2. JOSE,
S/O. M.J. MATHAI, KOKKATTUSSERY, MARIKKARA
VADAYAMPADY, PUTHENCROUZ - 682 308.

3. CHERIAN,
S/O.M.J. MATHAI, KOKKATTUSSERY, MARIKKARA
VADAYAMPADY, PUTHENCROUZ - 682 308.

R1 BY SR.GOVERNMENT PLEADER C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 12943 of 2015 (P)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE JUDGEMNT IN O.S 66/1999 OF MUNSIFF COURT,
KOLENCHERY DATED 310/01/2002 WITH ITS ENGLISH TRANSLATION.

EXHIBIT-P2-TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONERS BEFORE THE IST RESPONDENT.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No. 12943 of 2015

Dated this the 16th June, 2015

JUDGMENT

Shaffique, J.

The first petitioner was the previous owner of the property and the second petitioner is the present owner. It is submitted that the first petitioner had obtained injunction order restraining the defendants in O.S.No.66/1999 from trespassing into the plaint schedule property in the said case and from creating any obstruction to the peaceful possession of the plaintiff, the first petitioner. The contention urged by the petitioners is that though the first petitioner has sold the property to the second petitioner, the second petitioner is unable to measure the property, which is being obstructed by respondents 2 and 3, who are the legal heirs of the first defendant in the suit.

2. It is apparent that the second petitioner has engaged a private surveyor to measure the property, which is being obstructed by respondents 2 and 3.

3. Having heard learned counsel for the petitioner and having perused the averments in the Writ Petition, it is clear that the issue between the petitioner and respondents 2 and 3 is with reference to enjoyment of the property. Respondents 2 and 3 are not permitting the second petitioner to measure the property. Since it is a civil dispute, the Police cannot interfere in the matter. Police can interfere only if there is law and order situation and if any offence is committed or attempt to commit offence. The issue projected by the petitioner is with reference to enjoyment of property. Therefore, we do not think that it will be proper for this Court to pass any order as prayed for. It is open for the petitioner to approach the Civil Court or other statutory authorities in accordance with law.

The Writ Petition is closed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs16/6/15