

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 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 13095 of 2015 (J)

PETITIONER :

**MARIYAMMA CLETUS
W/O.CLETUS ANTONY, OTTAPLAVILAYIL HOUSE,
DALAVAPURAM, KOLLAM.**

BY ADV. SRI.BIJU C. ABRAHAM

RESPONDENT(S) :

- 1. THE CITY POLICE COMMISSIONER,
KOLLAM - 691 001.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
CHAVARA, KOLLAM - 691 001.**
- 3. THE SUB INSPECTOR OF POLICE,
THEKKUMBHAGOM POLICE STATION
KOLLAM DISTRICT - 691 319.**
- 4. K.G JOSEPH
KALLUPURATH HOUSE
DALAVAPURAM
NOW RSIDING AT KALLUPURATH HOUSE
WEST CHALAKUDY, THRISSUR - 680 307.**
- 5. KANAKARAJAN,
'SARITHALAYAM', DALAVAPURAM,
THEKKUMBHAGOM, KOLLAM - 691 319.**

**R1 TO R3 BY SR. GOVT. PLEADER SRI. C.R. SYAMKUMAR
R4 BY ADVS. SRI.P.V.VENUGOPAL
SRI.L.RAJESH NARAYAN
R5 BY ADV. SRI. P.V. DILEEP**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 TRUE COPY OF THE SETTLEMENT DEED NO. 4586/2001 DATED 24/9/2001 ALONG WITH ITS ENGLISH TRANSLATION.
- EXT.P2 TRUE COPY OF THE TAX RECEIPT EVIDENCING PAYMENT OF BASIC TAX FOR THE YEAR 2015-16 DATED 4/4/2015 ALONG WITH ITS ENGLISH TRANSLATION.
- EXT.P2(a) TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY THE THEKKUMBHAGOM GRAMA PANCHAYATH DATED 24/11/2014 ALONG WITH ITS ENGLISH TRANSLATION.
- EXT.P3 TRUE COPY OF THE FIR IN CRIME NO. 535/2015 OF THEKKUMBHAGOM POLICE STATION ALONG WITH ITS ENGLISH TRANSLATION.
- EXT.P4 TRUE COPY OF REPRESENTATION DATED 20/4/2015 SUBMITTED BEFORE RESPONDENT NO 1 ALONG WITH ITS ENGLISH TRANSLATION.
- EXT.P5 TRUE COPY OF REPRESENTATION DATED 20/4/2015 SUBMITTED BEFORE RESPONDENT NO. 2 ALONG WITH ITS ENGLISH TRANSLATION.
- EXT.P6 TRUE COPY OF REPRESENTATION DATED 20/4/2015 SUBMITTED BEFORE RESPONDENT NO. 3 ALONG WITH ITS ENGLISH TRANSLATION.
- EXT.P7 COPY OF THE PRIOR DOCUMENT TO EXT.P1 BEARING NO. 758/99 DATED 22/2/1999 OF SRO CHAVARA ALONG WITH ENGLISH TRANSLATION.
- EXT.P7(a) NOTARIZED COPY OF EXT.P1 DEED ALONG WITH ENGLISH TRANSLATION.
- EXT.P8 COPY OF THE DOCUMENT NO. 1663/1995 ALONG WITH ENGLISH TRANSLATION.
- EXT.P9 COPY OF THE TAX RECEIPT DATED 18/2/1999 ALONG WITH ENGLISH TRANSLATION.
- EXT.P10 COPY OF THE TAX RECEIPT FOR THE YEAR 2001 DATED 22/9/2001 ALONG WITH ENGLISH TRANSLATION.
- EXT.P11 COPY OF THE PROCEEDINGS DATED 8/11/2010 OF THE KOLLAM REVENUE DIVISIONAL OFFICER ALONG WITH ENGLISH TRANSLATION.
- EXT.P12 COPY OF THE ORDER DATED 12/4/2012 OF THE DISTRICT COLLECTOR, KOLLAM ALONG WITH ENGLISH TRANSLATION.

(Contd...)

- EXT.P13 COPY OF THE PROCEEDINGS DATED 14/8/2014 OF THE ADDITIONAL TAHSILDAR, KARUNAGAPPALLY ALONG WITH ENGLISH TRANSLATION.
- EXT.P14 COPY OF THE SKETCH ISSUED BY THE SPECIAL TAHSILDAR, LA KOLLAM AND SUB DIVISION STATEMENT (FORM NO. 7).
- EXT.P15 COPY OF THE SUB DIVISION STATEMENT (FORM NO. 7) ISSUED BY THE SPECIAL TAHSILDAR, LA KOLLAM ALONG WITH ENGLISH TRANSLATION.
- EXT.P16 COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, THEKKUMBHAGOM FOR THE YEAR 2008-09 TO 2014-15.
- EXT.P17 COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, THEKKUMBHAGOM FOR THE YEAR 2015-16.

RESPONDENT(S)' EXHIBITS :

- EXT. R4(a) COPY OF THE SALE DEED NO. 1663/1995 OF S.R.O. CHAVARA DATED 31/3/1995 ALONG WITH ITS ENGLISH TRANSLATION.
- EXT. R4(b) COPY OF RECEIPT NO. 2063/CAMP/PM/14QC DATED 16/7/2014 ALONG WITH ITS ENGLISH TRANSLATION.
- EXT. R4(c) COPY OF FABRICATED SALE DEED NO. 758/1999 DATED 22/2/1999 OF S.R.O. CHAVARA ALONG WITH ITS ENGLISH TRANSLATION.
- EXT. R4(d) COPY OF THE TAX RECEIPT DATED 03/04/2014 ISSUED BY VILLAGE OFFICER, THEKKUMBHAGOM WITH ITS ENGLISH TRANSLATION.
- EXT. R4(e) COPY OF ELECTRICITY BILL OF ELECTRICITY SECTION 4562 DATED 01/04/2015 FOR AN AMOUNT OF RS. 4170/-.
- EXT. R4(f) COPY OF CAVEAT PETITION BEARING NO. 12/2015 BEFORE VACATION COURT, KOLLAM DATED 18/4/2015.
- EXT. R4(g) COPY OF PROCEEDINGS BEARING NO. A7-1009/2005 DATED 12/3/2009 BY SPECIAL TAHSILDAR L.A.NO. I, KOLLAM.
- EXT. R4(h) COPY OF CHIEF AFFIDAVIT IN L.A.R. 15/2009 FILED BY PETITIONER BEFORE HONOURABLE SUB COURT, KOLLAM DATED 15/09/2010.

//TRUE COPY//

P.A. TO JUDGE

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

W.P.C.No.13095 of 2015

Dated this the 20th day of July 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking police protection inter alia contending that respondents 4 and 5 have trespassed into the property on 15/04/2015 at 6 a.m along with 20 persons and had taken possession of the premises. It is stated that respondents 4 and 5 have no right over such property as the petitioner is the absolute owner of the said property. It is also complained that respondents 4 and 5 have threatened to kill the petitioner if she takes any further action in the matter.

2. Counter affidavit is filed by the 5th respondent disputing the fact that the petitioner is the owner of the property. They also claimed possession in respect of the property.

3. The learned Government Pleader, on instructions, would submit that for sometime, petitioner had given on rent the building in the above property in favour of another person, who

later vacated the premises. As on the date when the petitioner complains of trespass, nobody was in occupation of the said building. However, police have registered a crime against respondents 4 and 5. They were arrested and enlarged on bail. Crime is pending investigation.

4. Having regard to these factual issues, we are of the view that the parties are involved in civil disputes regarding title and possession of the property which can neither be adjudicated by this Court in this proceedings nor can the police resolve such issues. There is a dispute regarding the factual circumstances stated in the writ petition as well. As far as the allegation of crime is concerned, same is under investigation by the police and has to come to its logical end. We do not want to say anything about the said investigation also. The request of the petitioner is for police protection. Police can interfere only if there is any offence committed or any attempt to commit offence. Petitioner complains that there is threat to her life. If there is any such action on the part of respondents 4 and 5 or their men, police shall look into the matter and do the needful. As far as respective

rights of the parties in regard to the property is concerned, their remedy is to approach the Civil court and get appropriate orders.

With the above observation, this writ petition is closed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr