

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 JULY 2015/18TH ASHADHA, 1937

WP(C).No. 13145 of 2015 (P)

PETITIONER(S) :

MOHAN RAJ AGED 56 YEARS
S/O.THANKAPPAN, CHIRAYIL PARAMBIL HOUSE, KEETILA KARA
KUDAYATHOOR PO, THODUPUZHA

BY ADVS.SRI.C.P.SAJI
SMT.P.DEEPA MOHAN

RESPONDENT(S) :

1. THE SUB INSPECTOR OF POLICE
VAZHAKULAM POLICE STATION, VAZHAKULAM PO, MUVATTUPUZHA
PIN 686670

2. VALSAMMA
W/O.THANKACHAN, SRAMBICKAL HOUSE, KADALIKKADU
MANJALLOOR, VAZHAKULAM PO, MUVATTUPUZHA
PIN 686670

3. BABU
S/O.DEVAKI AMMA, PADINJEREPUTHEN PURAKKAL HOUSE
MANJALLOOR, VAZHAKULAM PO, MUVATTUPUZHA
PIN 686670

4. ANANDU
S/O.SASIDHARAN, PADINJEREPUTHENPURAKKAL HOUSE
MANJALLOOR, VAZHAKULAM PO, MUVATTUPUZHA
PIN 686670

5. RAJEEV
S/O.MADHAVAN, KUNNUMMEL HOUSE, MMANJALLOOR
VAZHAKULAM PO, MUVATTUPUZHA, PIN 686670

R2 BY ADV. SRI.SAM ISAAC POTHYIL
R2 BY ADV. SRI.A.S.SREEJAN
R3 -R 5 BY ADV. SRI.GIGIMON ISSAC
R3 -R 5 BY ADV. SRI.A.K.JAYAPRAKASH
R1 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 13145 of 2015 (P)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:TRUE COPY OF TEH MEMO OF UNDERSTANDING ENTERED BETWEEN THE
PETITIONER AND 2ND RESPONDENT DATED 04.04.2015
P1 A:ENGLISH TRANSLATION OF EXHIBIT P1 MEMO OF UNDERSTANING
P2:TRUE COPY OF THE COMPLAINT DATED 22.04.2015 FILED BEFORE THE 1ST
RESPONDENT
P2 A:ENGLISH TRANSLATION OF EXHIBIT P2 COMPLAINANT

RESPONDENT(S) ' EXHIBITS

R3-1: COPY OF CERTIFIED COPY OF PARTITION DEED NO.2529/1954.
R3-1(a): ENGLISH TRANSLATION OF EXHIBIT R3.1.
R3-2: COPY OF FIR AND FIS IN CRIME NO.598/2014 OF VAZHAKULAM POLICE
STATION.
R3-2(a): ENGLISH TRANSLATION OF EXHIBITR R3-2.
R3-3: COPY OF REPORT OF THE VILLAGE OFFICER MANJALLOR.
R3-3(a): ENGLISH TRANSLATION OF EXHIBIT R3-3.
R3-4: COPY OF REPORT OF THE VAZHAKULAM POLICE.
R3-4(a): ENGLISH TRANSLATION OF EXHIBIT R3-4.
R3-5: COPY OF PLAINT IN O.S.NO.522/2014 BEFORE THE MUNSIFF'S COURT,
MUVATTUPUZHA.
R3-6: COPY OF THE REPORT OF THE COMMISSIONER ALONG WITH THE ROUGH
SKETCH.
R3-6(a): ENGLISH TRANSLATION OF EXHIBIT R3-6.

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No. 13145 of 2015

Dated this the 9th July, 2015

JUDGEMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection. The petitioner is a timber merchant and he purchased rubber trees totalling 380 standing in the property exclusively owned and possessed by the second respondent having an extent of 4 acres 80 cents situated in Sy.Nos.18/1-1 and 18/2-1 of Manjalloor Village. The complaint of the petitioner is that respondents 3 to 5 have obstructed the cutting and removing of timber. According to the petitioner, they have no right to create any such obstruction and though a complaint was given to the Police, no action was taken to render necessary Police protection and hence, he has approached this court.

2. Counter affidavit has been filed by respondents 3 to 5 inter alia stating that the petitioner and the second respondent have no right in respect of the said property. There is a dispute between the parties regarding possession of the property and that apart, a civil suit has been filed by the second respondent against respondents 3 to 5 seeking for an injunction restraining respondents 3 to 5 from entering into the property. Reply affidavit has also been filed by the petitioner controverting the stand taken in the counter affidavit.

3. Statement is also filed on behalf of the second respondent taking the stand that already a civil suit has been filed and there is an interim injunction restraining respondents 3 to 5 from trespassing into the property.

4. Having regard to the aforesaid factual situation, it is clear that the parties are involved in a civil dispute and if at all the petitioner wants to get advantage of any interim order that has been passed by the Civil Court or to resolve the dispute with respondents 3 to 5, the remedy of

the petitioner is to approach the Civil Court and seek appropriate reliefs. The Police cannot resolve the dispute which involves right and possession in respect of an immovable property and the timber standing therein.

In view of the above, we do not think that any direction as prayed for in the Writ Petition can be issued in this Writ Petition. The Writ Petition is hence dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs9/7/15