

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE
&
THE HONOURABLE SMT. JUSTICE P.VASHA

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

WP(C).No. 13240 of 2015 (D)

PETITIONERS:

P.KRISHNAN, S/O PONNAN, AGED 62 YEARS
RESIDING AT CHUNNAMBUKAL THODU
VELANTHAVALAM POST,
PALAKKAD - 678 558.

BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU

RESPONDENTS:

1. THE SUB INSPECTOR OF POLICE
KOZHINJAMPARA
POLICE STATION, PALAKKAD-678 555.
2. E.M.SURESH BABU,
S/O E.R.NARAYANAN
RESIDING AT KORIYARCHALLA,
KALYANAPETTA
CHITTUR, PALAKKAD - 678 101.
3. J.SULAIMAN, S/O CHANDMOHAMMED,
RESIDING AT CHANDAPETTA,
KOZHIPPARA POST
PALAKKAD-678 557.
4. C.K.RAJENDRAN
RESIDING AT NEAR VICTORIA COLLEGE
CPI (M) AREA COMMITTEE OFFICE
PALAKKAD-678 001.

R BY GOVERNMENT PLEADER SRI.RAMAPRASAD UNNI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 13240 of 2015 (D)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE ORDER OF STAY IN I.A.NO.3107/09 IN C.R.P.NO.567/09 ON THE FILE OF THIS HONOURABLE COURT DATED 7.6.2010.

EXT.P2: TRUE COPY OF THE NOTICE ISSUED BY THE CPI(M) VADAKARAPATHY LOCAL COMMITTEE SECRETARY DATED 10.2.2015.

EXT.P3: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 26.4.2015.

RESPONDENT'S EXHIBITS:

NIL.

// TRUE COPY //

P.A.TO JUDGE

A.M. SHAFFIQUE & P.V.ASHA, JJ.

W.P.(C)NO.13240 of 2015

Dated this, the 28th day of April, 2014

JUDGMENT

Shaffique, J.

Petitioner has approached this court seeking police protection. He claims that he is in possession of an extent of 7 acres of land in Survey No.85/pt of Ozhalapathy Village in Chittur Taluk which he had obtained as per document No.144/1983 - SRO, Chittur. Petitioner apprehends that the respondents 2 to 4 and their men will encroach into the said property and construct huts.

2. Learned State Attorney, on instruction, submits that the petitioner has no independent right over the said property as the same is Government land and unless there is finality in CRP No.567/09, the petitioner cannot claim any right as such. As matter stands now, all proceedings against the property have been stayed by Ext.P1 interim order dated 7.6.2010.

Having regard to the aforesaid submission, we do not think it necessary to issue notice to respondents 2 to 4, Police cannot interfere if the issue is with reference to enjoyment of property. However, if there is any law and order situation arising in the matter on account of any strike being conducted by the respondents 2 to 3, police shall ensure maintenance of law and order. In the said circumstances, this writ petition is disposed of as under:

First respondent shall ensure that law and order is maintained in the matter at the time when any demonstration or agitation is being conducted as claimed in Ext.P2.

A.M. SHAFFIQUE, JUDGE

P.V.ASHA, JUDGE

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