

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 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

WP(C).No. 13952 of 2015 (T)

PETITIONER(S) :

TREESA MICHAEL, AGED 80 YEARS
"PUTHENVEETIL" (GEORGE BHAVAN), NEELESWARAMTHOPPU
NEENDAKARA, KARUNAGAPPALLY, KOLLAM.

BY ADV. SRI.NAVEEN.T

RESPONDENT(S) /RESPONDENTS:-:

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HOME
GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

2. CITY POLICE COMMISSIONER,
KOLLAM CITY, KOLLAM - 691 001.

3. SUB INSPECTOR OF POLICE,
CHAVARA POLICE STATION, CHAVARA, KOLLAM - 691 001.

4. MAGI BABU,
MADAMMA THOPPU, NEENDAKARA, KARUNAGAPALLY
KOLLAM - 691 001.

5. JONNISON MICHAEL,
JELINA BHAVANAM, NEELESWARAM THOPPU, NEENDAKARA
KARUNAGAPALLY, KOLLAM - 691 001.

R4 BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)
R1 TO R3 BY SR.GOVERNMENT PLEADERSRI.C.R.SHYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 13952 of 2015 (T)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE RELEVANT PAGE OF THE RATION CARD ISSUED TO THE PETITIONER.

EXHIBIT P2. TRUE COPY OF THE ELECTRICITY BILL ISSUED TO THE PETITIONER.

EXHIBIT P3. TRUE COPY OF THE INTERIM INJUNCTION ORDER DATED 04.02.2015 IN IA NO.278/15 IN OS NO.70/15 OF THE HON'BLE MUNSIFF'S COURT, KARUNAGAPPALLY.

EXHIBIT P4. TRUE COPY OF THE INTERIM INJUNCTION ORDER DATED 06.02.2015 IN IA NO.298/15 IN OS NO.79/15 OF THE HON'BLE MUNSIFF'S COURT, KARUNAGAPPALLY.

EXHIBIT P5. TRUE COPY OF THE COMMON ORDER DATED 20.03.15 IN IA NO.278/15 IN OS NO.70/15 AND IA NO.298/15 IN OS NO.79/15 OF THE HON'BLE MUNSIFF'S COURT, KARUNAGAPPALLY.

EXHIBIT P6. TRUE COPY OF THE PETITION DATED 10.04.2015 SUBMITTED BEFORE THE 2ND RESPONDENT.

EXHIBIT P7. TRUE COPY OF THE PETITION DATED 18.04.2015 SUBMITTED BEFORE THE 1ST RESPONDENT.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

W.P(C).No.13952 of 2015

Dated this the 1st June, 2015

JUDGMENT

Shaffique, J.

The petitioner has filed this Writ Petition seeking police protection. It is inter alia contended that the petitioner is residing along with her youngest son, who is now abroad. Respondents 4 and 5 are daughter and son of the petitioner. It is stated that on account of unnecessary interference by respondents 4 and 5 in the matter relating to enjoyment of the property by the petitioner, she had already filed a suit as O.S.No.79/2015 before the Munsiff's Court, Karunagapally. Respondents 4 and 5 also filed another suit without disclosing the interim injunction as O.S.No.70/2015. Though the interim injunction applications were heard together as per order dated 20.3.2015, interim injunction was granted in favour of

the petitioner and the interim injunction application of the fourth respondent was dismissed.

2. The petitioner submits that she is under threat of her life from respondents 4 and 5. Though complaint was given to the Police, no action is taken by the Police, hence, she has approached this Court seeking police protection.

3. Respondents 4 and 5 are represented by counsel, who submits that the fourth respondent is residing in a building, which the petitioner claims and that is the dispute between the parties.

4. The learned Government Pleader, on instructions, would submit that the parties are in conflict in respect of possession of a building in occupation of the fourth respondent.

5. Having regard to the nature of contentions urged, we are of the view that the Police cannot interfere in the civil dispute and resolve the matter. The parties are at

liberty to approach the Civil Court for appropriate directions. The Police can interfere only if there is any law and order situation.

Having regard to the aforesaid factual situation, we only observe that if any offence is committed or there is attempt to commit offence, on the complaint of the petitioner, the Police shall look into the matter and do the needful. The Writ Petition is dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs2/6/15