

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 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WP(C).No. 14585 of 2015 (W)

PETITIONER(S):

**CHANDRAMATHI AGED 55 YEARS
W/O.NARAYANAN, THEKKANCHERY HOUSE, PUTHUPPALLY AMSOM
THRITHALLOOR DESOM, THIRUR TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.PRAMOD J.DEV

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HOME
STATE SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE
THIRUR, MALAPPURAM-676 101.**
- 3. THE SUB INSPECTOR OF POLICE
THIRUR, MALAPPURAM-676 101.**
- 4. RAMACHANDRAN
S/O.BALAN @ KARUPPAN, MEPPARAMBATH, PUTHUPPALLY AMSOM
THRITHALLOOR DESOM, THIRUR TALUK
MALAPPURAM DISTRICT. 676 101.**

**R1-R3 BY ADV. STATE ATTORNEY SRI.P.VIJAYARAGHAVAN
R4 BY ADV. SRI.SAJU.S.A**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- A TRUE COPY OF THE SALE DEED NO.1/2014 OF THE SUB REGISTRAR'S OFFICE, KOTAKKAL.
- P2- A TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICE, PURATHUR TO THE PETITIONER.
- P3- A TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE VILLAGE OFFICE, PURATHUR TO THE PETITIONER.
- P4- A TRUE COPY OF THE COMPLAINT DATED 23.04.2015 FILED BY THE PETITIONER BEFORE THE THIRD RESPONDENT.
- P5- A TRUE COPY OF THE RECEIPT DATED 28.04.2015 ISSUED TO THE PETITIONER BY THE THIRD RESPONDENT.
- P6- A TRUE COPY OF THE CERTIFICATE DATED 30.04.2015 ISSUED BY THE VILALGE OFFICE, PURATHUR TO THE PETITIONER.
- P7- A TRUE COPY OF THE PLAINT IN CMP NO.32 OF 2015 BEFORE THE HON'BLE DISTRICT COURT, MANJERY (VACATION COURT).
- P8- A TRUE COPY OF THE PETITION IN I.A.NO.644 OF 2015 IN CMP NO.32 OF 2015 BEFORE THE HON'BLE DISTRICT COURT, MANJERY (VACATION COURT).
- P9- A TRUE COPY OF THE INTERIM ORER DATED 07.05.2015 IN I.A.NO.644 OF 2015 IN CMP NO.32 OF 2015 BEFORE THE HON'BLE DISTRICT COURT, MANJERY (VACATION COURT).
- P10- A TRUE COPY OF THE COMPLAINT DATED 13.05.2015 FILED BY THE PETITIONER BEFORE THE THIRD RESPONDENT.
- P11- A TRUE COPY OF THE RECEIPT DATED 13.05.2015 ISSUED TO THE PETITIONER BY THE THIRD RESPONDENT.
- P12- A TRUE COPY OF THE COMPLAINT DATED 13.05.2015 FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.

RESPONDENT(S)' EXHIBITS NIL

Rp

//TRUE COPY//

PS TO JUDGE

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.P (C) No. 14585 of 2015

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Dated this, the 9th day of June, 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking police protection for constructing a compound wall in the property owned by her. It is stated that the 4th respondent has obstructed the construction of compound wall and has threatened the petitioner with dire consequences. Petitioner had already filed a suit before the Vacation Court as IA No.644/15 in which an interim order of injunction has been granted restraining the 4th respondent from trespassing upon the petition schedule properties or making any obstruction to the peaceful enjoyment of the properties by the petitioner. Despite the said order of injunction, there is obstruction being created by the 4th respondent. The complaint of the petitioner is that though petitions were filed before the police seeking police protection for

-:2:-

construction of the compound wall, no action has been taken by the police and therefore, the petitioner has approached this Court.

2. A counter affidavit has been filed by the 4th respondent *inter alia* stating that there are several persons in the locality using the pathway and the petitioner's intention is only to obstruct the pathway leading to the house of the respondent and others. Civil suit has been made over to the Munsiff Court and the 4th respondent has entered appearance and sought for vacating the interim order. The matter is still pending before the Civil Court between the parties with reference to the width of the pathway.

3. Having regard to the aforesaid factual circumstances, the police cannot involve in the matter and decide the civil dispute. It is for the parties to approach the Civil Court and obtain appropriate orders and get a finality in respect of the dispute between them. In such circumstances, we do not think that the police can render any assistance in this matter.

W.P(C) No. 14585/15

-:3:-

Accordingly, relegating the parties to approach the Civil Court for appropriate orders, the writ petition is dismissed.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

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PS to Judge