

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

WP(C).No. 15853 of 2015 (F)

PETITIONER :

MAKKAR, AGED 51 YEARS
S/O.MEERAN, KARUKAPPILLIL HOUSE, KARUKADOM P.O.
KARUKADAM KARA, ERNAKULAM DISTRICT.

BY ADV. SRI.K.S.ARUN KUMAR
SRI.P.P.BIJU

RESPONDENTS :

1. THE SUPERINTENDENT OF POLICE
ERNAKULAM RURAL
OFFICE OF THE SUPERINTENDENT OF POLICE, ALUVA
ERNAKULAM DISTRICT-683101.
2. THE CIRCLE INSPECTOR OF POLICE
KOTHAMANGALAM POLICE STATION, KOTHAMANGALAM
ERNAKULAM DISTRICT-686691.
3. THE SUB INSPECTOR OF POLICE
KOTHAMANGALAM POLICE STATION, KOTHAMANGALAM
ERNAKULAM DISTRICT-686691.
4. VIPIN, AGED 27 YEARS
S/O.VIJAYAN, KARICKAL HOUSE, KARUKADAM P.O.
KARUKADAM, ERNAKULAM DISTRICT-686691.
5. AJAYAN, AGED 45 YEARS
KARICKAL HOUSE, KARUKADAM P.O., KARUKADAM
ERNAKULAM DISTRICT-686691.

R1 TO R3 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 15853 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE TITLE DEED NO.2191/05 OF KOTHAMANGALAM
SUB REGISTER OFFICE.

EXT.P1A : TRUE ENGLISH TRANSLATION OF EXT.P1.

EXT.P2 : TRUE COPY OF THE COMPLAINT DT.NIL SUBMITTED BY THE PETITIONER.

EXT.P3 : TRUE COPY OF THE RECEIPT DT.6-5-2015 ISSUED BY R2.

EXT.P3A : TRUE ENGLISH TRANSLATION OF EXT.P3.

EXT.P4 : TRUE COPY OF THE COMPLAINT DT.11-5-2015 SEND BY THE SON
OF THE PETITIONER.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 15853 OF 2015

Dated this the 29th day of May, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection. It is submitted that respondents 4 and 5 are trying to trespass into the property of the petitioner and has even damaged the boundary wall and gate. It is stated that petitioner's son is working in Indian Navy. The property in possession of the petitioner is having an extent of 80.5 cents with a residential building. On account of the threat by respondents 4 and 5, the petitioner preferred a complaint as Ext.P2 and his son had given a complaint as Ext.P4, but Police has not taken any action in the matter.

2. Learned Government Pleader submits that the averments in the writ petition disclose that it is a civil dispute with reference to the use of a pathway. On a perusal of the writ petition and after hearing the learned counsel for the petitioner, we are also of the view that the intention of

respondents 4 and 5 is to claim right to use a pathway, and they intend to widen the same. No offence worth taking cognizance has been committed so far. Learned counsel for the petitioner however submits that there had been threatening by respondents 4 and 5. Police can interfere only if any offence is committed or there is attempt to commit offence. As far as the civil right of the petitioner is concerned, petitioner can approach the civil court for appropriate orders.

3. We only observe that in the event any offence is committed or there is attempt to commit offence, on the complaint of the petitioner, the Police shall look into the same and do the needful.

The Writ Petition is closed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**

WP(C) No. 15853 of 2015

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