

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 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 17039 of 2015 (D)

PETITIONER(S):

**SHEELA SAM, AGED 55 YEARS,
RESIDING WIFE OF SAM CHEKKAT,
RESIDING AT CHEKKATTU HOUSE, KALANJOOR MURI,
KALANJOOR VILLAGE, KONNI TALUK,
PATHANAMTHITTA DISTRICT**

**BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)**

RESPONDENT(S):

- 1. THE DISTRICT POLICE CHIEF, KOLLAM RURAL,
OFFICE OF THE DISTRICT POLICE CHIEF (KOLLAM RURAL),
KOTTARAKKARA, KOLLAM - 691 533.**
- 2. THE ASSISTANT COMMISSIONER OF POLICE,
OFFICE OF THE ASSISTANT COMMISSIONER OF POLICE,
PUNALUR, KOLLAM DISTRICT, PIN 691 305.**
- 3. THE CIRCLE INSPECTOR OF POLICE,
PUNALUR CIRCLE,
OFFICE OF THE CIRCLE INSPECTOR OF POLICE, PUNALUR,
KOLLAM DISTRICT, PIN 691 305.**
- 4. THE SUB INSPECTOR OF POLICE,
PATHANAPURAM POLICE STATION, PATHANAPURAM,
KOLLAM DISTRICT, PIN 689 695.**
- 5. MUHAMMED ILLIAS,
FACE BOOK COMPUTERS & GREEN WAY TRAVELS,
SHYNI BUILDINGS, NEAR TOWN BUILDING, PATHANAPURAM,
KOLLAM, PIN 689 695.**

msv/

WP(C).No. 17039 of 2015 (D)

6. AJI KUMAR,
SHYNI BUILDING, NEAR TOW BUILDING, PATHANAPURAM,
KOLLAM DISTRICT, PIN 689 695.
7. SUNIL KRISHNAN,
SI OF POLICE, PATHANAPURAM, KOLLAM,
PIN 689 695.

R1 TO R4 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 17039 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT. P1:A TRUE COPY OF THE COMPLAINT DATED 10.04.2015 SUBMITTED BY THE
COMPLAINT BEFORE THE SEVENTH RESPONDENT WITH ENGLISH
TRANSLATION.**

**EXT. P2:A TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER
BEFORE THIRD RESPONDENT AGAINST THE SIXTH RESPONDENT, WITH
ENGLISH TRANSLATION.**

**EXT. P3:A TRUE COPY OF THE COMMUNICATION FROM THE DISTRICT JUDGE,
KOLLAM TO THE STATION HOUSE OFFICE, PATHANAPURAM NO. BCI 64/2015
DATED 04.05.2015 ENCLOSING THE ORDERS IN IA.NO.810/2015 AND
IA.NO.669/2015.**

**EXT. P4:A TRUE COPY OF THE CRIME NO.671/2015 OF PATHANAPURAM POLICE
STATION, WITH ENGLISH TRANSLATION.**

**EXT. P5:A TRUE COPY OF THE REPRESENTATION DATED 25.05.2015 BEFORE THE
FIRST RESPONDENT.**

**EXT. P6:A TRUE COPY OF THE REPRESENTATION DATED 25.05.2015 BEFORE THE
SECOND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.P (C) No. 17039 of 2015

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Dated this, the 8th day of June, 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking police protection. It is *inter alia* contended that an attempt has been made by respondents 5 and 6 to evict the petitioner from the tenanted premises. A suit has been filed before the vacation court and in IA No.810/2015, an interim direction has been issued which has been extended until further orders. Despite the order of injunction restraining the defendants from forcefully evicting the petitioner and causing any damage to the furniture and other materials in the plaint schedule room, respondents 5, 6 and their men trespassed into the room and has destroyed the entire materials and has assaulted the petitioner. A crime has been registered as Crime No.671/15 of Pathanapuram Police Station, which is under investigation.

2. Petitioner submits that her life is under threat and she

-:2:-

is unable to go to her office. Though a complaint was preferred before the police seeking protection, no action has been taken in the matter.

3. Learned Government Pleader, on instructions, would submit that the police has taken appropriate action on the basis of the complaint of the petitioner. A crime has been registered which is under investigation. If there is any further threat to her life or any obstruction is being created for her using the building in the tenanted premises, the police will take necessary steps in that regard.

4. Having regard to the nature of the order we intend to pass, no notice is being issued to respondents 5 and 6.

5. It is clear that the petitioner has already preferred a suit against forcible eviction from the room which is in her possession. The issue regarding her tenancy right and whether she is entitled for an injunction are all matters to be decided by the Civil Court. We are not expressing any opinion on her right to continue possession. If the petitioner has any grievance regarding further action of private respondents or the defendants in the case, the remedy is to approach the Civil Court for appropriate

-:3:-

injunction.

5. As far as the claim that force is being exerted on her and that she has a threat to her life, in such an event, the police will have to interfere and maintain necessary law and order.

Hence, we dispose of this writ petition directing the 4th respondent to ensure that law and order situation is maintained in the matter relating to the room being occupied by the petitioner and if there is any threat to her life, appropriate steps shall be taken in accordance with law.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge