

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYASHTA, 1937

WP(C).No. 17254 of 2015 (F)

PETITIONER(S):

- 1. VIKRAMAN AGED 50 YEARS
S/O.SUKUMARAN, RESIDING IN NEDIYAVILAKOM VEEDU
TC.66/3120(1), PACHALLOOR P.O., THIRUVANANTHAPURAM.**
- 2. CHANDRIKA
D/O.CHINDAMONI, RESIDING IN NEDIYAVILAKOM VEEDU
TC.66/3120(1), PACHALLOOR P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.G.S.REGHUNATH

RESPONDENT(S):-

- 1. ASSISTANT COMMISSIONER OF POLICE
FORT, THIRUVANANTHAPURAM - 695 001.**
- 2. CIRCLE INSPECTOR OF POLICE
VIZHINJAM, THIRUVANANTHAPURAM - 695 002.**
- 3. SUB INSPECTOR OF POLICE
KOVALAM, THIRUVANANTHAPURAM - 695 001.**
- 4. KRISHNANKUTTY
S/O.KOMALAKSHI, RESIDING AT KOMALAKSHI MANDIRAM
NEDIYAVILAKOM, NEAR PACHALLOOR TEMPLE
THIRUVANANTHAPURAM - 695 027.**
- 5. ANILKUMAR
RESIDING AT KOMALAKSHI MANDIRAM, NEDIYAVILAKOM
NEAR PACHALLOOR TEMPLE, PACHALLOOR
THIRUVANANTHAPURAM - 695 027.**
- 6. SURESH @ MANIKUTTAN
RESIDING AT KOMALAKSHI MANDIRAM, NEDIYAVILAKOM
NEAR PACHALLOOR TEMPLEPACHALLOOR
THIRUVANANTHAPURAM - 695 027.**

BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 17254 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE BASIC TAX RECEIPT DATED 09.04.2015 ISSUED TO THE 2ND PETITIONER ALONG WITH TRANSLATION .

EXHIBIT P2. TRUE COPY OF THE COMPLAINT DATED 27.03.2015 GIVEN TO THE 1ST RESPONDENT ALONG WITH TRANSLATION.

EXHIBIT P3. TRUE COPY OF THE COMPLAINT DATED 30.03.2015 GIVEN TO THE 3RD RESPONDENT ALONG WITH TRANSLATION.

EXHIBIT P4. TRUE COPY OF THE COMPLAINT GIVEN TO THE 3RD RESPONDENT DATED 29.04.2015 ALONG WITH TRANSLATION.

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. 17254 of 2015

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Dated this, the 10th day of June, 2015

J U D G M E N T

Shaffique, J

Petitioners have approached this Court seeking police protection *inter alia* contending that respondents 3 to 6 are obstructing the petitioners from using the pathway and they have also committed criminal acts by causing injury to the petitioners. Petitioners are also threatened with loss of life and on account of the said fear, petitioners preferred a complaint before the police, but no action had been taken in the matter.

2. Learned Government Pleader on instructions, would submit that the issue is with reference to use of a pathway. Petitioners had concreted a portion of the pathway and when Corporation officials had come to concrete the entire pathway, they took a contention that it was a private pathway. This seems to have infuriated a few persons in the locality which have resulted in the present situation. According to the learned

-:2:-

Government Pleader, the issue is only with reference to the use of a pathway and there is no untoward incident as alleged by the petitioners.

3. Having regard to the aforesaid submission, it is clear that the issue projected by the petitioners is with reference to the right to use a pathway which is being obstructed by respondents 3 to 6. The remedy of the petitioners is to approach the Civil Court for appropriate reliefs. That apart, the Corporation has also a claim that the pathway is used by the public. Enquiry in that regard is pending. That being the situation, police cannot interfere and resolve the issue. Police can interfere only if there is any law and order situation. We only observe that if any offence is committed or there is attempt to commit offence, on the complaint of the petitioners, police shall look into the matter and appropriate action be taken.

With the above observation, the writ petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp