

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 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

WP(C).No. 17866 of 2015 (G)  
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PETITIONERS :  
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1. M.M.THOMAS AGED 65 YEARS  
S/O.LATE MICHEL, MACHIYANIKKAL HOUSE, KAROOR.P.O.  
MUDUPALAM, PALA, KOTTAYAM DISTRICT.
2. ANN NIMMY THOMAS AGED 25 YEARS  
D/O.M.M.THOMAS, MACHIYANIKKAL HOUSE, KAROOR.P.O.  
MUDUPALAM, PALA, KOTTAYAM DISTRICT.

BY ADV. SRI.P.KURUVILLA JACOB

RESPONDENTS :  
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1. STATE OF KERALA  
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE  
DEPARTMENT OF HOME AFFAIRS  
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM. 695 001.
2. THE SUB INSPECTOR OF POLICE  
PALA POLICE STATION, PALA.P.O.  
KOTTAYAM DISTRICT.686 001.
3. THE CIRCLE INSPECTOR OF POLICE  
PALA CIRCLE, PALA.P.O., KOTTAYAM DISTRICT.686 001.
4. THE DEPUTY SUPERINTENDENT OF POLICE AT PALA  
PALA.P.O., KOTTAYAM DISTRICT. 686 001.
5. BENNY, AGED 67 YEARS  
S/O.LATE JOHN, NELLIKUNNEL HOUSE, PALA KARA AND POST  
LALAM VILLAGE, MEENACHIL TALUK  
KOTTAYAM DISTRICT. 686 001.
6. ANEESH, AGED 28 YEARS  
S/O.BENNY, NELLIKUNNEL HOUSE, PALA KARA AND POST  
LALAM VILLAGE, MEENACHIL TALUK  
KOTTAYAM DISTRICT. 686 001.

7. LALY, AGED 58 YEARS  
W/O.BENNY, NELLIKUNNEL HOUSE, PALA KARA AND POST  
LALAM VILLAGE, MEENACHIL TALUK  
KOTTAYAM DISTRICT. 686 001.

8. JINCY  
D/O.BENNY AND LALY, NELLIKUNNEL HOUSE  
PALA KARA AND POST, LALAM VILLAGE, MEENACHIL TALUK  
KOTTAYAM DISTRICT. 686 001.

R1 TO R4 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
15-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

P1- TRUE COPY OF THE RECEIPT NO.14746 DATED 5.3.13 ISSUED FROM PALA MUNICIPALITY WHILE COLLECTING PROPERTY TAX IN RESPECT OF FIRST PETITIONER'S RESIDENTIAL BUILDING NOS.126 AND 127 IN WARD NO.1 OF PALA MUNICIPALITY.

P1A- TRUE ENGLISH VERSION OF EXT.P1.

P2- TRUE COPY OF FIRST PETITIONER'S COMPLAINT DATED NIL SUBMITTED TO 3RD RESPONDENT ON 2.2.15.

P2A- TRUE ENGLISH VERSION OF EXT.P2 COMPLAINT.

P3- TRUE COPY OF FIRST PETITIONER'S COMPLAINT DATED 27.2.15 SUBMITTED TO 3RD RESPONDENT.

P3A- TRUE ENGLISH VERSION OF EXT.P3 COMPLAINT.

P4- TRUE COPY OF THE RECEIPT DATED 27.2.15 ISSUED TO FIRST PETITIONER FROM THE OFFICE OF 3RD RESPONDENT, WHILE RECEIVING EXT.P3 COMPLAINT.

P4A- TRUE ENGLISH VERSION OF EXT.P4.

P5- TRUE COPY OF PETITIONER'S DETAILED COMPLAINT DATED 30.5.15 FORWARDED TO 4TH RESPONDENT.

P6- TRUE COPY OF FIRST PETITIONER'S COMPLAINT DATED 9.6.15 FORWARDED TO FIRST RESPONDENT.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

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W.P.(C) No. 17866 OF 2015  
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Dated this the 15<sup>th</sup> day of June, 2015

**JUDGMENT**

**Shaffique, J.**

Petitioners have approached this Court complaining of certain illegal activities being conducted by respondents 5 to 8 and seeking police protection. It is stated that the 6<sup>th</sup> respondent had taken on rent the adjoining building belonging to the petitioners. Though the lease period was for 11 months, after the said period, the lease was not renewed. Thereafter the 6<sup>th</sup> respondent refused to pay rent and tried to create nuisance and obstruction has been caused to the access to the property of the petitioner by parking his vehicle across the gate and there was an attempt to manhandle him with iron rod as well. It is stated that respondents 5 to 8 are creating obstruction to the petitioners' peaceful living in their residence. Though complaints were given to the police, no action has been taken by them.

2. Learned Government Pleader on instructions would submit that basically the dispute between the parties is regarding the tenancy and the petitioner wants to vacate the

tenant. When a complaint was received, the matter was enquired into and the obstruction caused, by parking the vehicle, has been removed. Petitioners and party respondents were asked not to create any nuisance.

3. Police can interfere in a matter like this only if any offence is committed or there is attempt to commit any offence or any law and order situation. Police cannot interfere in the civil rights of parties. If there is any threat to the enjoyment of the property of petitioners, their remedy is to approach the civil court. However, we only observe that in the event, any offence is committed or there is any attempt to commit offence, on the complaint of the petitioner, the police authorities shall look into the same and do the needful in accordance with law.

With the above observation, the Writ Petition is closed.

**Ashok Bhushan,  
Chief Justice.**

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