

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 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 18510 of 2015 (K)

PETITIONER(S):

- 1. SUHARA K.M AGED 37 YEARS
W/O.PAREETH, KAILASHAM PARAMBIL HOUSE, KOZHIKKARA
KAPPUR P.O, KUMARANELLUR, PALAKKAD DISTRICT. 679 552.**
- 2. KRISHNAN
S/O.PARANGAN, KANDALAYIL HOUSE, KOKKOOR P.O
MALAPPURAM DISTRICT. 679 591.**
- 3. MOIDUNNI,AGED 67 YEARS,
S/O.MUHAMMED, MALIYEKKAL HOUSE, KOKKOOR P.O
MALAPPURAM DISTRICT. 679 591.**

BY ADV. SRI.A.HAROON RASHEED

RESPONDENT(S):

- 1. THE DISTRICT POLICE CHIEF
PALAKKAD, PALAKKAD DISTRICT.**
- 2. THE CIRCLE INSPECTOR OF POLICE
PATTAMBI, PATTAMBI P.O, PALAKKAD 679 306.**
- 3. THE SUB INSPECTOR OF POLICE
CHALISSERY POLICE STATION, CHALISSERY
PALAKKAD DISTRICT.**
- 4. MOHANDAS
S/O.KOCHUNNI, KIDANGIL HOUSE, KAPPUR P.O
PALAKKAD DISTRICT. 679 552.**
- 5. SURESH KUMAR
S/O.KARAPPAN, THERAYIL HOUSE, KAPPUR P.O
PALAKKAD DISTRICT. 679 552.**
- 6. PRAMOD K
S/O.ACHUTHAN, KIDANGIL HOUSE, KAPPUR P.O
PALAKKAD DISTRICT. 679 552.**

7. AJEESH K
S/O.CHANDHU, KANDALAYIL HOUSE, KAPPUR P.O
PALAKKAD DISTRICT. 679 532.
8. SREERAJ
S/O.RAVEENDRANADHAN, KARUTHEDATH HOUSE, KAPPUR P.O
PALAKKAD DISTRICT. 679 552.
9. SIVAN
S/O.KOCHUNNI, KANDALAYIL HOUSE, KAPPUR P.O
PALAKKAD DISTRICT. 679 552.
10. PRAMOD
S/O.THAMI, KANISHAMPARAMBIL HOUSE, KAPPUR P.O
PALAKKAD DISTRICT. 679 552.
11. ANU
S/O.UDARAPPAN, KALATHILPADI HOUSE, KAPPUR P.O
PALAKKAD DISTRICT. 679 552.
12. SOORYAN
S/O.APPUTTY, KIDANGIL HOUSE, KAPPUR P.O
PALAKKAD DISTRICT. 679 552.
13. PRADEEP
S/O.ACHUTHAN, KIDANGIL HOUSE, KAPPUR P.O
PALAKKAD DISTRICT. 679 552.
14. HARIDAS
S/O.KARUPPAN, THERAYIL HOUSE, KAPPUR P.O
PALAKKAD DISTRICT. 679 552.

R4,R5 & 7 BY ADV. SRI.SANTHEEP ANKARATH
R4,R5 & 7 BY ADV. SRI.ARUN MATHEW VADAKKAN
BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE PHOTOGRAPH OF THE PADDY FIELD.

EXHIBIT P2. COPY OF THE POSSESSION CERTIFICATE OF THE 1ST PETITIONER.

EXHIBIT P2(1). COPY OF THE TRANSLATION OF POSSESSION CERTIFICATE OF THE 1ST PETITIONER.

EXHIBIT P3. COPY OF THE TAX RECEIPT OF THE 1ST PETITIONER.

EXHIBIT P3(1). COPY OF THE TRANSLATION OF TAX RECEIPT OF 1ST PETITIONER.

EXHIBIT P4. COPY OF THE POSSESSION CERTIFICATE OF 2ND PETITIONER.

EXHIBIT P5. COPY OF THE TAX RECEIPT OF THE 2ND PETITIONER.

EXHIBIT P5(1). COPY OF THE TRANSLATION TAX RECEIPT OF THE 2ND PETITIONER.

EXHIBIT P6. COPY OF THE POSSESSION CERTIFICATE OF THE 3RD PETITIONER.

EXHIBIT P6(I). COPY OF THE TRANSLATION OF POSSESSION CERTIFICATE OF THE 3RD PETITIONER.

EXHIBIT P7. COPY OF THE TAX RECEIPT OF THE 3RD PETITIONER.

EXHIBIT P7(1). COPY OF THE TRANSLATION OF TAX RECEIPT OF THE 3RD PETITIONER.

EXHIBIT P8. COPY OF THE FIR IN CRIME NO.354/2015 OF CHALISSERY POLICE STATION DATED 11.6.15.

EXHIBIT P8(1). COPY OF THE TRANSLATION OF CONTENTS OF FIR IN CRIME NO.354/2015 OF CHALISSERY POLICE STATION DATED 11.6.15.

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. 18510 of 2015

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Dated this, the 13th day of July, 2015

J U D G M E N T

Shaffique, J

Petitioners have approached this Court seeking for police protection in the matter relating to obstruction being created by respondents 4 to 14.

2. It is contended by the petitioners that they have valid title and possession in respect of certain items of property, which has been in their possession since the last more than 50 years and they have been cultivating the said land with paddy. Recently, under the guise of certain claims raised on behalf of a temple, respondents 4 to 14 have obstructed the cultivation activities. Petitioners preferred complaints before the police seeking appropriate police protection for carrying out the agricultural operations and since the police did not interfere in the matter, this writ petition has been filed.

3. Counter affidavit has been filed by respondents 4, 5

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and 7 *inter alia* stating that there had been some dispute with reference to the boundary of the property which is in possession of the temple. It is stated that around 5 acres of land have been permitted to be held by the temple for its maintenance. On account of the boundary dispute, Taluk Surveyor was approached, who has measured the property and appropriate steps are being taken for fixation of boundaries. In the meantime, the petitioners have complained that they are being obstructed from carrying on their agricultural activities. According to the respondents, the intention of the petitioners is to trespass into the property belonging to the temple.

4. Learned counsel for the petitioners however relies upon Ext.P9 to indicate that the intention of certain persons in the locality is to take over the property from the possession of the petitioners by force. For that purpose, they are conducting agitation and demonstration and only police can interfere in the matter as there will be law and order situation.

5. Having regard to the aforesaid factual situation involved in the matter, we are of the view that since the petitioners' claim right and enjoyment in respect of the property

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and their allegation is that it is being obstructed by private respondents, the remedy of the petitioners is to approach the Civil Court and seek appropriate orders. Learned counsel for respondents 4, 5 and 7 has submitted that they have already filed a caveat before the lower court and instead of the petitioners approaching the Civil Court, they have approached this Court for police protection. Police can interfere in a like situation if there is law and order situation or if there is any offence committed or attempt to commit offence. In such a situation, if there is any complaint from the petitioners, of course, police can interfere and do the needful. As far as the enjoyment of the property of the petitioners are concerned, their remedy is to approach the Civil Court and obtain appropriate orders.

With the above observations, writ petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge