

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).No. 18610 of 2015 (A)

PETITIONERS :

1. PERUMAL POOSARI AGED 32 YEARS
S/O CHELLAN, MURUKKULIYIL, PALLASSANA AMSOM DESOM
PALLASSANA POST, ALATHUR TALUK, PALAKKAD DISTRICT
2. UBAIDULLAHI A.H
S/O ABDUL HAMEED, 20/554, PUTHUPPULLI STREET
NOORANI PO, PALAKKAD TALUK

BY ADV. SMT.K.L.LAKSHMI RANI

RESPONDENTS :

1. THE STATE OF KERALA
REPRESENTED BY SECRETARY, DEPARTMENT OF HOME
STATE SECRETARIAT, THIRUVANANTHAPURAM 695 001
2. THE DISTRICT COLLECTOR,
PALAKKAD 678 001
3. SUPERINTENDENT OF POLICE
PALAKKAD 678 001
4. THE CIRCLE INSPECTOR OF POLICE
PALAKKAD, TOWN POLICE STATION,
PALAKKAD DISTRICT 678 001
5. THE SUB INSPECTOR OF POLICE
PALAKKAD TOWN SOUTH POLICE STATION
PALAKKAD 678 001
6. KANAKA DAS
S/O KITTA, PADINJARE VEEDU, NEAR BISHOP HOUSE
POCKET ROAD, VENNAKKARA, NOORANI PO
PALAKKAD 678 002

7. UNNIKRISHNAN
S/O KESAVAN, NEAR A.K.G, CPI(M) PARTY OFFICE
THREE STAR FURNITURE SHOP, NOORANI POST, VENNAKKARA
PALAKKAD 678 002
8. KANNAN
S/O KRISHNAN, PADINJARE VEEDU, NEAR
BISHOP HOUSE, NOORANI POST, VENNAKKARA
PALAKKAD 678 002
9. VIGNESH
S/O RAJAPPAN, VADUGUTHARA , NOORANI POST
VENNAKKARA, PALAKKAD 678 002
10. MANIKANDAN
S/O CHATHAI, OPP. A.K.G.CPI(M) PARTY OFFICE
NOORANI POST, VENNAKKARA, PALAKKAD 678 002

R1 TO R5 BY STATE ATTORNEY, SRI.P. VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 18610 of 2015 (A)

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P1: A TRUE COPY OF THE LAST TAX PAID RECEIPT DATED 20/3/2015

EXT.P2: A TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED TO THE
1ST PETITIONER BY THE VILLAGE OFFICER, PALAKKAD-I

EXT.P3: A TRUE COPY OF THE CERTIFICATE ISSUED BY THE AGRICULTURAL FIELD
OFFICER DATED 22/5/2015.

EXT.P3(A): TRUE TRANSLATION OF EXT.P3

EXT.P4: A TRUE COPY OF THE LEASE DEED EXECUTED BETWEEN THE PETITIONERS
DATED 18/5/2015.

EXT.P4(A): TRUE TRANSLATION OF EXT.P4.

EXT.P5: A TRUE PHOTOGRAPHS OF THE ABOVE PROPERTIES.

EXT.P6: A TRUE PHOTOGRAPHS OF ANTISOCIAL ELEMENTS PLAYING CARDS IN
THE PROPERTY.

EXT.P7: A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS
BEFORE RESPONDENTS 4 AND 5 DATED 12/6/2015.

EXT.P7(A): TRUE TRANSLATION OF EXT.P7.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 18610 OF 2015

Dated this the 2nd day of July, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and learned State Attorney. No notice is being issued to respondent Nos. 6 to 10 in view of the order which is being passed.

2. The petitioners by this writ petition has prayed for a direction to respondents 4 and 5 to accord adequate protection to the petitioners and preserve the property of the 1st petitioner covered by Ext.P1 sale deed. The allegation of the petitioners is that private respondents who have no right in the property are obstructing the petitioner from entering into their own property and with regard to that petitioners have also filed a complaint dated 13.06.2015, Ext.P7.

3. Learned State Attorney after obtaining instructions submits that on receiving the complaint, both parties were summoned and the dispute was enquired. It has been stated by learned State Attorney that the respondents'

case is that there is a pond in the property of petitioner from which they are taking water. He further submits that in the event if there is any law and order problem, the Police shall look into the same and take appropriate measures.

In view of the above we close the writ petition with the observation that in the event any offence is committed or there is attempt to commit offence, it shall be open for the petitioner to file appropriate complaint before the 5th respondent, who may look into the same and do the needful.

**Ashok Bhushan,
Chief Justice.**

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

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