

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 19104 of 2015 (K)

PETITIONERS:

- 1. T. PRABHAKARAN,
S/O.BELLACHI, KUMBACHIMOOLA HOUSE,
BANDADUKA.P.O., CHENKALA, VIA KASARAGOD.**
- 2. NIRMALA.P,
W/O.T.PRABHAKARAN, KUMBACHIMOOLA HOUSE,
BANDADUKA.P.O., CHENKALA, VIA KASARAGOD.**
- 3. PRABHA.P,
D/O.T.PRABHAKARAN, KUMBACHIMOOLA HOUSE,
BANDADUKA.P.O., CHENKALA, VIA KASARAGOD.**
- 4. PRABHU.P, AGED 17 YEARS,
S/O.T.PRABHAKARAN, KUMBACHIMOOLA HOUSE,
BANDADUKA.P.O., CHENKALA, VIA KASARAGOD,
MINOR REPRESENTED BY HIS FATHER T. PRABHAKARAN.**

**BY ADVS.SRI.PHILIP J.VETTICKATTU,
SMT.ANEY PAUL.**

RESPONDENTS:

- 1. THE SUB INSPECTOR OF POLICE,
BEDAKAM POLICE STATION,
KASARAGOD, PIN-671 531.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
OFFICE OF THE CIRCLE INSPECTOR OF POLICE,
KASARAGOD, PIN-671 121.**
- 3. THE DEPUTY SUPERINTENDENT OF POLICE,
KASARAGOD-671 121.**
- 4. AMBADI, S/O.APPA, KUMBACHIMOOLA,
BANDADUKA. P.O., VIA CHENKALA, KASARAGOD-671 541.**
- 5. RADHA, W/O.AMBADI, KUMBACHIMOOLA,
BANDADUKA. P.O., VIA CHENKALA, KASARAGOD-671 541.**

WP(C).No. 19104 of 2015 (K)

- 6. AMBAREESH, S/O.AMBADI, KUMBACHIMOOLA,
BANDADUKA. P.O., VIA CHENKALA, KASARAGOD-671 541.**
- 7. ANEESH, S/O.AMBADI, KUMBACHIMOOLA,
BANDADUKA. P.O., VIA CHENKALA, KASARAGOD-671 541.**
- 8. RADHAKRISHNAN,
MALANKUNDU, BANDADUKA, CHENKALA,
KASARAGOD-671 541.**

**R1 TO R3 BY SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR.
R4 TO R8 BY ADV. SRI.SURESH KUMAR KODOTH.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 TRUE COPY OF TAX RECEIPT DATED 03-03-2015 SHOWING REMITTANCE OF LAND TAX BY THE 1ST PETITIONER.
- P1(A) TRUE COPY OF ENGLISH TRANSLATION OF EXT.P1.
- P2 TRUE COPY OF JUDGMENT DATED 19-12-2014 IN O.S.157/2003 OF THE MUNSIFF COURT, KASARAGOD.
- P3 TRUE COPY OF PETITION DATED 25-03-2015 SUBMITTED BY THE PETITIONER BEFORE 3RD RESPONDENT.
- P4 TRUE COPY OF WRITTEN ASSURANCE RECORDED AND SIGNED BY THE 4TH RESPONDENT BEFORE WOMEN CELL.
- P4(A) TRUE COPY OF ENGLISH TRANSLATION OF EXT.P4.
- P5. COPY OF THE CORRECTED DOCUMENT ISSUED FROM THE SUB REGISTRAR OFFICER, UDUMA, KASARAGOD.
- P5A. COPY OF THE ENGLISH TRANSLATION OF EXT.P5.
- P6. COPY OF THE CAVEAT FILED BY THE PETITIONER BEFORE THE DISTRICT COURT, KASARAGOD DATED 17/01/2015.

RESPONDENT'S EXHIBITS:-

- EXT.R4A COPY OF THE ORDER DATED 30/01/2015 IN I.A. NO.29/2015 OF THE DISTRICT COURT, KASARAGOD.
- EXT.R4B COPY OF THE AFFIDAVIT DATED 20/03/2015 FILED IN AS. NO.11/2015 PENDING BEFORE THE DISTRICT COURT, KASARAGOD.

//TRUE COPY//

PA. TO JUDGE

rs.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.19104 of 2015

Dated this the 27th day of July 2015

J U D G M E N T

Shaffique, J

Petitioners have approached this Court seeking police protection inter alia contending that respondents 4 to 8 are obstructing the petitioners from enjoying the property purchased by the 1st petitioner and respondents 4 to 8 have threatened the petitioners with dire consequences. It is stated that the 1st petitioner had purchased the property having an extent of about 2 acres as per document No.3143/1986 of S.R.O, Udma. The suit filed challenging the sale deed was ultimately dismissed. Petitioners therefore contend that the 1st petitioner has valid title over the property which cannot be claimed by any other person.

2. Respondents 4 to 8 have filed a counter affidavit stating that they have filed an appeal as A.S.No.11/2015 before the District Court, Kasaragod in which an order of status quo has been issued. It is also stated that there is a dispute between the parties regarding right, ownership and possession over the

property. This fact is disputed by the learned counsel appearing for the petitioners, who submits that the original owner Sri.Kannan expired and private respondents cannot claim any right over the property.

3. Whatever that might be, it is not in dispute that an appeal has been filed before the District Court, Kasaragod. If at all petitioners want to get any order in the form of an injunction or even police protection, they will have to approach the said Court and get necessary orders. We do not think that we will be justified in interfering with the civil rights of the parties in this proceedings or even police cannot be directed to resolve any such issues.

Under such circumstances, this writ petition is disposed of reserving the right of the petitioners to approach Civil court for appropriate orders.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFIQUE, JUDGE)

jsr

