

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 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 22236 of 2015 (D)

PETITIONER(S):

1. SMT. SAVITHRI SHAM BHAT, AGED 71 YEARS,
W/O.DR.SHAM BHAT, SRI.GANESH FARMS,
CHEMBILANKAI,MULIYAR VILLAGE, KASARAGOD TALUK,
P.O.KANATHUR, KASARAGOD DISTRICT.
2. DR.SHAM BHAT, AGED 81 YEARS,
S/O.SHAM BHATA, SRI.GANESH FARMS,
CHEMBILANKAI,MULIYAR VILLAGE, KASARAGOD TALUK,
P.O.KANATHUR, KASARAGOD DISTRICT,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
SMT.SAVITHRI BHAT, AGED 71 YEARS, SR.GANESH FARMS,
CHEMBILANKAI, MULIYAR VILL, KASARAGOD TALUK,
P.O.KANATHUR, KASARAGOD DISTRICT.

**BY ADVS.SRI.T.K.VIPINDAS
SMT.PREM BINDU T.K.
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN**

RESPONDENT(S):

1. THE SUPERINTENDENT OF POLICE,
KASARAGOD, VIDYANAGAR.P.O., KASARAGOD-671 123.
2. THE CIRCLE INSPECTOR OF POLICE,
ADHUR POLICE STATION, P.O.ADHUR,
KASARAGOD DISTRICT-671 543
3. THE SUB INSPECTOR OF POLICE, ADHUR POLICE STATION,
P.O.ADHUR, KASARAGOD DISTRICT-671 543
4. THE FOREST RANGE OFFICER, KASARAGOD,
P.O.KASARAGOD-671 123
5. KRISHNA RAJ ALIAS RAJU, S/O.LATE RAVINDRAN NAIR,
RESIDING AT CHEMBILANKAI, MULIYAR VILLAGE,
KASARAGOD TALUK,P.O.KANATHUR,
KASARAGOD DISTRICT-671 542.

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6. K.DAMODARAN NAIR, S/O.MEENAKSHI AMMA,
RESIDING AT CHEMBILANKAI, MULIYAR VILLAGE,
KASARAGOD TALUK, P.O.KANATHUR,
KASARAGOD DISTRICT-671 542
7. ABOOBACKER, S/O.ABDUL KHADER,
RESIDING AT CHEMBILANKAI, MULIYAR VILLAGE,
KASARAGOD TALUK, P.O.KANATHUR,
KASARAGOD DISTRICT-671 542.
8. E.KRISHNAN NAIR, S/O.RAMAN NAIR,
RESIDING AT CHEMBILANKAI, MULIYAR VILLAGE,
KASARAGOD TALUK, P.O.KANATHUR,
KASARAGOD DISTRICT-671 542
9. C.MOIDU, S/O.MAMMUNHI, RESIDING AT CHEMBILANKAI,
MULIYAR VILLAGE, KASARAGOD TALUK, P.O.KANATHUR,
KASARAGOD DISTRICT-671 542.
10. AHAMMED ALIAS MUHAMMED, S/O.MAMMUNHI,
RESIDING AT CHEMBILANKAI, MULIYAR VILLAGE,
KASARAGOD TALUK, P.O.KANATHUR,
KASARAGOD DISTRICT-671 542.

R1 TO R4 BY SR GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

sts

WP(C).NO.22236/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE POWER OF ATTORNEY DATED 4/1/2012 EXECUTED BY 2ND PETITIONER IN FAVOUR OF 1ST PETITIONER.**
- P2 COPY OF THE COMPROMISE PETITION AS I.A.NO.333/2013 IN O.S.NO.30/2012 ON THE FILE OF MUNSIFF'S COURT, KASARAGOD DATED 28/2/2013**
- P3 COPY OF THE COMPROMISE DECREE IN O.S.NO.30/2012 ON THE FILE OF MUNSIFF'S COURT, KASARAGOD DATED 5/3/2013.**
- P4 COPY OF THE PLAN APPENDED TO EXHIBIT P2 DECREE**
- P5 COPY OF THE COMMUNICATION DATED 7/7/2010 ALONG WITH ENGLISH TRANSLATION**
- P6 COPY OF THE COMPLAINT BEFORE SHO ADHUR POLICE STATION DATED 22/6/2015.**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

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

W.P.C.No.22236 of 2015

Dated this the 23rd day of July 2015

J U D G M E N T

Shaffique, J

Petitioners have approached this Court seeking for police protection inter alia contending that respondents 5 to 10 are threatening the petitioner with loss of life, on account of the restriction imposed by the petitioners not to use the pathway for smuggling activities and for usage of heavy vehicles other than what is permitted under the compromise decree Ext.P3.

2. The learned Government Pleader, on instructions, would submit that no untoward incident has been reported so far and the issue between the petitioners and respondents 5 to 10 is with reference to the usage of pathway. Under the guise of police protection, the intention of the petitioners is to prevent the private respondents from using the pathway.

3. The learned counsel for the petitioners, however, submit that in Ext.P3 compromise decree, the usage of pathway has been restricted and the attempt of the private respondents is to demolish the existing fencing and take heavy vehicles through

the said property and that too for smuggling activities. Further, they are also trying to enter into forest areas which is not being prevented by the police.

4. Having heard the learned counsel for the petitioners and having perused the records, we do not think that an instance of granting police protection had arisen in the case. If it has come to the notice of the petitioners that any offence or smuggling activities are committed by the private respondents, they are entitled to give complaint to the competent authorities, who shall look into the matter and do the needful. As far as threat to the life of the petitioners are concerned, if there is any such instance, it is always open for the petitioners to bring the matter to the notice of the police, who shall again look into the matter and take necessary action, in accordance with law.

With the above observation, this writ petition is closed.

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

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

jsr

