

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 23512 of 2015 (L)

PETITIONER(S):

**P.K. SONY, AGED 36 YEARS,
S/O.KOCHUNNY, C.C.20/17E,
PALLURUTHY, KOCHI-682 006.**

**BY ADVS.SRI.ABRAHAM P.GEORGE,
SMT.M.D.BEENA,
SRI.K.VINODKUMAR,
SMT.M.SANTHY.**

RESPONDENT(S):

- 1. COMMISSIONER OF POLICE,
KOCHI CITY, OFFICE AT HIGH COURT JUNCTION,
ERNAKULAM-682 018.**
- 2. CIRCLE INSPECTOR OF POLICE,
PALLURUTHY POLICE STATION, PALLURUTHY-682 006.**
- 3. SUB INSPECTOR OF POLICE,
PALLURUTHY POLICE STATION, PALLURUTHY-682 006.**
- 4. T.H. ROHITH, AGED 28 YEARS,
S/O.T.K. HARIDAS, H.NO.18/300, THATTUPURAKKAL HOUSE,
DR.GANGADHARAN ROAD, PALLURUTHY, KOCHI-682 006.**
- 5. T.K. MOHANDAS, AGED 46 YEARS,
S/O.J.B. KANTH, THATTUPURAKKAL HOUSE, T.K. HARDWARE,
VIA. KUMBALANGHI, PALLURUTHY, KOCHI-6.**
- 6. RAJESH, AGED ABOUT 37 YEARS,
S/O. NOT KNOWN TO THE PETITIONER,
C/O.P.K. MOHANDAS, T.K. HARDWARE,
VIA. KUMBALANGHI, PALLURUTHY, KOCHI-6.**

R1 TO R3 BY SRI.P. VIJAYARAGHAVAN, STATE ATTORNEY.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: PHOTOGRAPH OF BUILDING CONSTRUCTED BY PETITIONER.
- P2: TRUE PHOTO COPY OF D&O LICENSE ISSUED BY 1ST RESPONDENT TO THE PETITIONER.
- P3: TRUE COPY OF LETTER ISSUED BY 3RD RESPONDENT REQUIRING PETITIONER TO GIVE VACANT POSSESSION DATED 03-07-2015.
- P3A: ENGLISH TRANSLATION OF EXT.P3.
- P4: TRUE PHOTOCOPY OF REPLY NOTICE ISSUED BY PETITIONER.
- P4A: ENGLISH TRANSLATION OF EXT.P4.
- P5: PHOTOGRAPHS SHOWING DAMAGED ROOFING OF BUILDING.
- P6: TRUE PHOTOCOPY OF COMPLAINT LODGED BY THE PETITIONER BEFORE POLICE.
- P6A: ENGLISH TRANSLATION OF EXT.P6.
- P7: TRUE COPY OF INTERIM ORDER IN WP(C).NO.22890/2015 DATED 29-07-2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.23512 of 2015

Dated this the 4th day of August 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking police protection alleging attempt on the part of respondents 4 to 6 to forcibly evict the petitioner from the premises in which he is carrying on business.

2. It is alleged that the petitioner has constructed a building with the consent of the landlord and has been conducting business for the last more than one year. However, attempts are being made to forcibly evict the petitioner and complaints have been filed at the instance of the landlord before the Corporation of Kochi alleging violation of building rules. In the meantime, when there was threat on the side of respondents 4 to 6, petitioner filed a complaint before the police seeking police protection and since no action has been taken in the matter petitioner has approached this Court.

3. The learned Government Pleader, on instructions, would submit that no untoward incident has been reported so far and the issue between the parties is in relation to the building in occupation of the petitioner.

4. Having regard to the aforesaid factual situation, we do not think it necessary to issue notice to respondents 4 to 6. The averments in the writ petition clearly disclose an issue between the petitioner and the landlord with reference to the building in occupation of the petitioner. Police cannot interfere in the civil disputes between the parties. Police interference is called for if any offence is committed or there is attempt to commit offence. Any such eventuality has not happened so far. Petitioner complains that attempts are made to cause destruction to the building in his occupation.

5. Having regard to the said factual situation, we are of the view that the remedy of the petitioner is only to approach the Civil court and obtain necessary orders. However, we make it clear that if any offence is committed or there is any attempt to commit offence, it shall always be open for the petitioner to file necessary complaint before the police who shall look into the

matter and take appropriate action, in accordance with law.

With the above observation, this writ petition is disposed of.

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

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

jsr

