

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 26915 of 2013 (L)

PETITIONER :

**THAMI, AGED 85 YEARS,
S/O. MAMBI, PATTATHUVALAPPIL HOUSE, POTHANNOOR
POLPAKKARA P.O., EDAPPAL VIA, MALAPPURAM DISTRICT.**

BY ADVS. SRI.K.R.AVINASH (KUNNATH)

RESPONDENTS :

- 1. RAJAN, AGED 52 YEARS,
S/O. THAMI, POTTAMMAL HOUSE, POTHANNOOR,
POLPAKKARA P.O., EDAPPAL VIA, MALAPPURAM-676 505.**
- 2. APPUKKUTTAN, AGED 36 YEARS,
S/O. CHEMBAN, CHELATHU PARAMBIL HOUSE, POTHANNOOR
POLPAKKARA P.O., EDAPPAL VIA, MALAPPURAM-676 505.**
- 3. BALAN, AGED 34 YEARS,
S/O. CHEMBAN, CHELATHU PARAMBIL HOUSE, POTHANNOOR
POLPAKKARA P.O., EDAPPAL VIA, MALAPPURAM-676 505.**
- 4. THE DEPUTY SUPERINTENDENT OF POLICE
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUR P.O., TIRUR, MALAPPURAM-676 101.**
- 5. THE CIRCLE INSPECTOR OF POLICE
PONNANI, OFFICE OF THE CIRCLE INSPECTOR OF POLICE,
PONNANI P.O., MALAPPURAM-679 583.**
- 6. THE SUB INSPECTOR OF POLICE,
PONNANI POLICE STATION, PONNANI SOUTH P.O.,
MALAPPURAM-679 583.**

R1 BY ADVS. SRI.M.I.JOHNSON

SRI.T.K.MOIDEEN KUTTY

R2 & R3 BY SRI.N.N SUGUNAPALAN SENIOR ADVOCATE

BY ADV. SRI.S.SUJIN

R4 TO R6 BY GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 :** COPY OF THE COMPLAINT FILED BY THE PETITIONERS BEFORE THE DYSP, TIRUR, DTD.14.8.2013.
- P2 :** COPY OF THE COMPLAINT FILED BY THE PETITIONERS BEFORE THE C.I. OF POLICE, PONNANI, DTD.14.8.2013.
- P3 :** COPY OF THE COMPLAINT FILED BY THE PETITIONERS BEFORE THE S.I. OF POLICE, PONNANI, DTD.14.8.2013.

RESPONDENT(S)' EXHIBITS :

- EXT.R1(A):** COPY OF THE DOC NO. 25/2000 OF SRO EDAPPAL DT 1/1/2000.
- EXT.R1(B):** COPY OF THE PLAINT DT 31/3/2006 IN OS NO. 892006 BEFORE THE MUNSIFF'S COURT, PONANI.
- EXT.R1(C):** COPY OF THE WRITTEN STATEMENT DT 13/6/2007, FILED BY R1 IN OS NO. 89/2006 BEFORE THE MUNSIFF'S COURT, PONANI.
- EXT.R1(D):** COPY OF THE JUDGMENT IN OS NO. 89/2006 DT 18/9/2007, BY THE MUNSIFF'S COURT, PONANI.

COUNTER AFFIDAVIT FILED BY RESPONDENTS 2 & 3 :

- EXT.P1:** COPY OF THE SALE DEED DT 20/3/2006.
- EXT.P2:** COPY OF THE SALE DEED DT 1/1/2000.
- EXT.P3:** COPY OF DOCUMENT NO. 1191/2006.
- EXT.P4:** COPY OF THE CERTIFICATE ISSUED BY THE SCHEDULED CASTS DEVELOPMENT OFFICER, PONNANI DT. 14/3/2006.
- EXT.P5(A):** COPY OF THE BASIC TAX RECEIPT DT 2/9/2010.
- EXT.P5(B):** COPY OF THE BASIC TAX RECEIPT DT 2/9/2010.
- EXT.P6(A):** COPY OF THE BASIC TAX RECEIPTS DT 5.11.2013.
- EXT.P6(B):** COPY OF THE BASIC TAX RECEIPTS DT 6/11/2013.
- EXT. P7:** COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE VILLAGE OFFICER, KALADY DT 30/7/2012.
- EXT.P8:** COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE VILLAGE OFFICER KALADY DT 30/7/2012.
- EXT.P9:** COPY OF THE PETITION DT 28/5/2012 SUBMITTED BY THE R2 BEFORE THE SUB INSPECTOR OF POLICE, PONNANI.

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**EXT.P10: COPY OF THE REPRESENTATION BEFORE THE CIRCLE INSPECTOR
OF POLICE, PONNANI DT 1/62012.**

EXT. P11: COPY OF THE JUDGMENT DT 18/9/2007 IN OS NO. 89/2006.

//TRUE COPY//

P.S. TO JUDGE

bp

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 26915 of 2013

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Dated this, the 4th day of November, 2015

J U D G M E N T

Shaffique, J.

This writ petition has been filed seeking for police protection alleging that the 1st respondent is causing threat to the petitioner.

2. 1st respondent has filed a counter affidavit *inter alia* stating that the petitioner had already filed a suit which was rejected for non payment of court fee. The averments in the writ petition clearly disclose a civil dispute between the parties in which the police cannot interfere. Police can interfere only if there is any offence committed or attempt to commit offence.

Under such circumstances, we do not think that the petitioner is entitled for any relief in this writ petition and hence this writ petition is dismissed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp4/11/2015

//True Copy//

PS to Judge