

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 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 25048 of 2015 (E)

PETITIONER(S):

- 1. RADHAKRISHNAN NAIR, AGED 59 YEARS,
RADHIKA BHAVAN, PATTUPURAYKKAL, PUNKODU,
CHADAYAMANGALAM, KOLLAM DISTRICT.**
- 2. VASANTHAKUMARY, W/O.RADHAKRISHNAN NAIR,
AGED 51 YEARS, RADHIKA BHAVAN, PATTUPURAYKKAL,
PUNKODU, CHADAYAMANGALAM, KOLLAM DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN.

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
CHADAYAMANGALAM POLICE STATION, KOLLAM-690 004.**
- 2. RATHEESH, S/O.RADHAKRISHNAN NAIR,
RADHIKA BHAVAN, PATTUPURAYKKAL, PUNKODU,
CHADAYAMANGALAM, KOLLAM DISTRICT-690 004.**
- 3. NEETHU, W/O.RATHEESH,
RADHIKA BHAVAN, PATTUPURAYKKAL, PUNKODU,
CHADAYAMANGALAM, KOLLAM DISTRICT-690 004.**

R1 BY SRI.P.VIJAYARAGHAVAN, STATE ATTORNEY.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 - TRUE COPY OF THE SALE DEED BEARING NO.724/2004 DATED 19.02.2004.
- P2 - TRUE COPY OF THE POSSESSION CERTIFICATE DATED 02.12.2014
ISSUED BY THE CHADAYAMANGALAM VILLAGE OFFICER.
- P3 - TRUE COPY OF THE RESIDENCE CERTIFICATE.
- P4 - TRUE COPY OF THE ORDER OF THE JFMC, KADAKKAL IN
CMP NO.781/2014 IN MC NO.06/2014 DATED 31.10.2014.
- P5 - TRUE COPY OF THE ORDER OF THE JFMC, KADAKKAL DATED 21.02.2015.
- P6 - TRUE COPY OF THE REPRESENTATION OF THE 1ST PETITIONER.
- P7 - TRUE COPY OF THE REPRESENTATION DATED 30.07.2015 SUBMITTED
TO THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.25048 of 2015

Dated this the 18th day of August 2015

J U D G M E N T

Shaffique, J

Petitioners have approached this Court alleging threat and intimidation from respondents 2 and 3. 2nd respondent is the petitioners' son and 3rd respondent is the wife of the 2nd respondent.

2. Petitioners submit that they have together purchased 12.60 Ares of property in Re-Survey No.160/16 of Chadayamangalam village. 1st petitioner constructed a two storied building in the property. It is stated that respondents 2 and 3, who are living in another building, are on enemical terms with the petitioners. However, 3rd respondent under the cover of an ex parte protection order under the Protection of Women from Domestic Violence Act, entered into the building where petitioners were residing. Though the order of protection has been vacated by the learned Magistrate, respondents 2 and 3 continued to live

in the said building and is now forcing the petitioners to vacate the residential building. It is stated that petitioners have given a complaint to the police and since no action has been taken, they have approached this Court.

3. The learned Government Pleader, on instructions, would submit that though the petitioners have approached the learned Magistrate for appropriate action, no action has been taken by the learned Magistrate.

4. The learned counsel for the petitioners submits that petitioners are under severe threat to life as there is an apprehension that respondents 2 and 3 may manhandle them.

5. Having regard to the aforesaid factual situation, we do not think that police can interfere in the dispute between the parties regarding right to property. Police can interfere only if an offence is committed or there is attempt to commit offence. So far, no such incident has occurred other than the allegations raised by the petitioners.

In the result, this writ petition is disposed of permitting the petitioners to approach the police, if there is any offence committed or attempt to commit offence. In such event, the

police shall look into the matter and take appropriate action, in accordance with law.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

