

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

WP(C).No. 29539 of 2015 (N)

PETITIONER(S):

**T.S.S.PANICKER, AGED 70 YEARS,
S/O. S.S.SREEDHARAN PILLAI, THAYYIL VIJAYA VILASOM,
NORTH ARYAD P.O., ALAPPUZHA DISTRICT.**

BY ADV. SRI.C.K.RAMAKRISHNAN

RESPONDENT(S):

- 1. RADHA SUDHAN,
POTTANKUDY, THURAVUMKARA P.O., KANJIYUR-683 575.**
- 2. CHANDRAN,
S/O. RADHA SUDAN, POTTANKUDY, THURAVUMKARA P.O.,
KANJIYUR-683 575.**
- 3. THE TAHSILDAR,
ALUVA TALUK, ALUVA, ERNAKULAM DISTRICT.**
- 4. THE SURVEYOR,
SURVEY DEPARTMENT, ALUVA TALUK OFFICE, ALUVA,
ERNAKULAM DISTRICT.**
- 5. THE CIRCLE INSPECTOR OF POLICE,
NEDUMBASSERY POLICE STATION, ERNAKULAM DISTRICT.**

R3-5 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE TAX RECEIPT DTD.26.8.2013.**
- P2 : COPY OF SURVEY REPORT WITH SKETCH AND PLAN.**
- P3 : COPY OF THE COMPLAINT DTD.22.7.2015 FILED BY THE PETITIONER BEFORE THE C.I. OF POLICE, NEDUMBASSERY WITH RECEIPT.**
- P4 : COPY OF THE LAWYER NOTICE WAS ISSUED BY THE PETITIONER DTD.23.7.2015.**
- P5 : COPY OF REPLY NOTICE ISSUED BY THE 1ST AND 2ND RESPONDENT DTD.13.8.2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 29539 of 2015

Dated this the 13th October, 2015

JUDGMENT

The petitioner has approached this Court seeking for the following reliefs:

- “a. Issue a writ of mandamus or other appropriate writ, or other order or direction directing the respondent Circle Inspector of Police to enquire into and investigate the facts on the Ext.P3 complaint filed by the petitioner in the interests of justice.*
- b. Issue a writ of mandamus or other appropriate writ, or other order or direction directing the respondent Tahsildar to enquire into and re-consider the matter as early as possible in the interest of justice.*
- c. To pay compensation to the petitioner for the mental agony caused due to the harassment made by the 1st and 2nd respondents.”*

2. The learned Government Pleader, on instructions, submits that as far as the first prayer is concerned, the

Circle Inspector of Police has already enquired into the matter and found that it is only a civil dispute between the petitioner and the party respondents.

3. This Court is of the view that if the petitioner is not satisfied with the enquiry conducted by the Circle Inspector, the petitioner is free to resort to the alternative remedy under law. With such liberty, the first prayer is declined.

4. In relation to the second prayer, this Court is of the view that if the petitioner approaches the Tahsildar with an appropriate application for fixing boundary or any other relief the Tahsildar will consider the same in accordance with law.

5. The third prayer is for compensation for the mental agony caused to the harassment made by respondents 1 and 2. The same is to be sorted out before the Civil Court as it is purely a private claim. The petitioner is at liberty to approach the Civil Court for such relief.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**