

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 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 29620 of 2015 (B)

PETITIONER(S):

**SHOBINI, W/O.LATE DHARMAPALAN,
AGED 65, A.K.BHAVAN, AYIRAKUIZHI P.O.,
CHITARA VILLAGE, MANKODU.**

BY ADV. SRI.K.R.SUNIL

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
KADACKAL POLICE STATION, KADACKKAL,
KOLLAM DISTRICT, PIN-691301.**
- 2. PRASAD, S/O.CHANDRASEKHARAN, AGED 37,
PADINJATHETIL HOUSE, MANGADU VILLAGE, CHITHARA,
KOCHALAMOODU, PIN-691303.**
- 3. SARASAN, DEVADINIVAS, MANGODU VILLAGE,
CHITHARA, KOCHALAMOODU PIN-691303.**
- 4. USHA, D/O.BHARATHI, ANUSHALAYATHIL HOUSE,
MANGODU VILLAGE,CHITHARA, KOCHALAMOODU PIN-691303.**
- 5. ANUSHA, D/O.UDESAN, SREENILAYAM HOUSE,
MANGODU VILLAGE,CHITHARA, KOCHALAMOODU PIN-691303.**

R1 BY SENIOR GOVERNMENT PLEADER C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 29620 of 2015 (B)

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE SITE PHOTOGRAPHS**
- P2: COPY OF THE INTERIM ORDER PASSED BY THE MUNSIFF'S COURT,
KOTTARAKKARA IN OS.350/15**
- P3: COPY OF THE COMPLAINT DATED 9/9/15 SUBMITTED BY THE PETITIONER**

RESPONDENTS' EXHIBIT

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ASHOK BHUSHAN, C.J.

&

A.M.SHAFFIQUE, J.

.....
W.P.(C) No.29620 of 2015 (B)

.....
Dated this the 30th day of September, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection against the illegal acts of respondent Nos.2 to 5. It is stated that, the petitioner is the owner and in possession of 14.60 Ares of property in Sy.No.56/7 of Mangodu Village, Chithara, Kochalamoodu. There was dispute between the respondent Nos.2 to 5 in the matter relating to a pathway, which is the access to the property, in which civil suits are pending. Interim injunction has been passed by the Munsiff Court restraining the respondent Nos.2 to 5 from demolishing the compound wall and obstructing the petitioner from altering the boundaries of the plaint schedule property. However, respondent Nos.2 to 5 are not permitting the petitioner to enter into the property. Ext.P3 complaint has been filed before the police seeking necessary action in the matter. But no action has been taken so far, hence this writ petition.

2. The learned counsel for the petitioner also submits that the respondent Nos.2 to 5 has filed a suit against the petitioner, which is also pending consideration.

3. Having regard to the aforesaid facts, it is clear that the dispute between the parties is with regard to a pathway, for which, the petitioner has to approach the civil court for appropriate relief. The police can interfere, only if there is any law and order situation or any offence committed or attempt to commit offence.

4. Under such circumstances, we do not think that any direction as sought for can be granted to the petitioner. We only observe that, if there is any offence committed or attempt to commit offence, the petitioner can file a complaint before the police. On such a complaint, the police shall look into the matter and do the needful.

The writ petition is closed with the above observation.

Sd/-
ASHOK BHUSHAN, Chief Justice

sd/-
A.M.SHAFIQUE, Judge