

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 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WP(C).No. 30343 of 2015 (P)

PETITIONER :

**P.K.V. SAIDALAVI @ BAVUTTY,
S/O.MOIDEENKUTTY HAJI, AGED 53 YEARS,
PUTHIYAKATH KANNACHAN VETIL, POST PACHATTIRI,
TIRUR-676 105**

**BY ADVS.SRI.C.M.MOHAMMED IQUABAL
SMT.ANJALI G.KRISHNAN**

RESPONDENT(S):

- 1. THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUR, POST TIRUR, MALAPPURAM DISTRICT, PIN-676 101.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
TIRUR POLICE STATION, POST TIRUR,
MALAPPURAM DISTRICT, PIN-676 101**
- 3. THE SUB INSPECTOR OF POLICE,
TIRUR POLICE STATION, POST TIRUR,
MALAPPURAM DISTRICT, PIN-676 101**
- 4. FATHIMA, D/O.SAIDALAVI, MANGALAM AMSOM
KOOTAYI DESOM, POST KOOTAYI, TIRUR TALUK,
MALAPPURAM DISTRICT, PIN-676 562**
- 5. MOHAMMED HANEEFA, S/O.SAINUDHEEN,
PALLIPARAMBIL HOUSE, POST PARAVANNA,
TIRUR TALUK, MALAPPURAM DISTRICT, PIN-676 502**

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.30343/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE JUDGMENT DATED 25/7/2000 IN O.S.NO.235/1998 OF THE MUNSIFF COURT, TIRUR.**
- P2 COPY OF THE JUDGMENT IN CRP NO.516/2008 DATED 25/11/2010 OF THIS HON'BLE COURT**
- P3 COPY OF THE ORDER DATED 23/6/2014 IN I.A.NO.1121/2014**
- P4 COPY OF THE ORDER DATED 23/6/2014 IN IA.NO.1122/2014**
- P5 COPY OF THE INTERIM ORDER IN OP(C).NO.1641/2014 OF THIS HON'BLE COURT DATED 22/7/2014**
- P6 COPY OF THE LAWYER NOTICE ISSUED ON BEHALF OF THE PETITIONER DATED 23/3/2015**
- P7 COPY OF THE COMPLAINT FILED BEFORE THE 3RD RESPONDENT DATED 1/10/2015 WITH ITS ENGLISH TRANSLATION**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 30343 of 2015

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Dated this, the 7th day of October, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking police protection. It is stated that an interim order dated 22/7/2014 had been passed by this Court in OP(C) No.1641/2014 by which there was a direction that nature and lie of the property delivered shall be maintained. Petitioner submits that this order came to be passed in a proceeding pending before the learned Single Judge of this Court in a partition suit which was decreed *ex parte* as OS No.235/1998 of the Munsiff's Court, Tirur. It is submitted that despite the direction to maintain law and order, respondents 4 and 5 have cut and removed valuable trees from the property in violation of Ext.P5 order. Though the petitioner had filed Ext.P7 complaint against the aforesaid action of respondents 4 and 5, which is in violation of the order passed by this Court in OP(C) No.1641/14, police has not taken any action in the matter.

-:2:-

2. It is apparent that the dispute between the parties is pending consideration before this Court in the above original petition. Police can interfere in such issue only if there is any offence committed or there is attempt to commit offence. Petitioner alleges violation of the order of status quo. In such circumstances, we are of the view that it may not be possible for us to issue any direction as sought for in the present writ petition whereas it shall always be open for the petitioner to approach the same court for getting appropriate reliefs.

With the above observation, this writ petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

7/10/2015

//True Copy//

PS to Judge