

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 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 31308 of 2015 (K)

PETITIONER(S):

SANTHAKUMARI AGED 63 YEARS,
W/O. KUNJUMANI, NANNAMUKKU,
PIDAVAROOOR AMSOM AND DESOM,
PONNANI TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI. RAJESH SIVARAMANKUTTY

RESPONDENT(S):

1. STATE OF KERALA REPRESENTED BY
THE HOME SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE SUB INSPECTOR OF POLICE,
CHANGARAMKULAM POLICE STATION,
CHANGARAMKULAM - 676 505.
3. KRISHNAN @KRISHNANKUTTY, S/O VELAYI,
PALLIKKARA AMSOM, VADAKKUMURI DESOM,
PONNANI TALUK, MALAPPURAM DISTRICT- 676 505.

R1 & 2 BY SR. GOVERNMENT PLEADERS SRI. C.R. SYAMKUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 31308 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1 : A TRUE COPY OF THE SETTLEMENT ARRIVED AT BETWEEN THE
PETITIONER, HER SON AND THE 3RD RESPONDENT AND HIS SONS.

EXHIBIT P2: A TRUE COPY OF THE JUDGMENT DATED 2.7.2012 IN WRIT PETITION(C).
11678/2012 PASSED BY THIS HON'BLE COURT.

EXHIBIT P3: A TRUE COPY OF THE COMPLAINT DATED 11.10.20156 FILED BEFORE
THE 2ND RESPONDENT BY THE PETITIONER.

RESPONDENT'S EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

Sou.

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

W.P(C). No. 31308 of 2015

Dated this the 14th day of October, 2015

JUDGMENT

Shaffique, J

Petitioner has approached this Court seeking police protection inter alia contending that there is certain disputes between the petitioner and the third respondent who are siblings. They were parties to the suit O.S.No.215 of 1999, which was one for partition. The suit has been decreed. Appeal filed by the third respondent has been dismissed. The Advocate Commissioner appointed in I.A. No.228 of 2003 in O.S.No.215 of 1999 has demarcated the northern and western boundaries of the property. It is submitted that the third respondent has brought the surveyor and it was noticed that the surveyor did not know anything about the survey and was colluding with the third respondent and his son and the petitioner was objected. Thereafter the petitioner was verbally abused and threatened by the third respondent. Exhibit P3 is

the complaint given by the petitioner to the police.

2. On a perusal of Exhibit P3, we do not think that the said complaint can be taken cognizance. There is only allegation of threat. Apparently the issues between the petitioner and the third respondent relates to enjoyment of property and no untoward incident has been reported. Police can interfere only if there is any law and order situation. The petitioner has a case that right of enjoyment of property is being obstructed by the third respondent. The remedy is to approach the civil court for appropriate relief. Hence we do not find any reason to issue an order as prayed for.

The writ petition is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE

sou.

// True copy //