

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE**

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 32736 of 2015 (N)

PETITIONER :

**PARAMESWARAN
S/O.PONNAYAN NADAR, AGED 41
MEEKEPOTTAKUZHI VEEDU
NEYYATTINKARA TALUK, PLAMUTTUKADA P.O.,
THIRUVANANTHAPURAM – 695128.**

BY ADV. SRI. LIJU M.P.

RESPONDENTS :

- 1. STATE OF KERALA
REP. BY SECRETARY TO HOME DEPARTMENT
GOVT.SECRETARIATE, THIRUVANANTHAPURAM DISTRICT – 695001.**
- 2. THE DISTRICT POLICE CHIEF
THIRUVANANTHAPURAM DISTRICT
THIRUVANANTHAPURAM - 695001**
- 3. THE DEPUTY SUPERINTENDENT OF POLICE
OFFICE OF DEPUTY SUPERINTENDENT, NEYYATTINKARA
THIRUVANANTHAPURAM DIST-695001.**
- 4. THE CIRCLE INSPECTOR OF POLICE
CIRCLE OFFICE, PARASALA,
THIRUVANANTHAPURAM – 695001.**
- 5. THE SUB INSPECTOR OF POLICE
POZHIYOOR POLICE STATION, POZHIYOOR
THIRUVANANTHAPURAM – 695 001.**

6. SUSEELA
D/O.RAJAPPAN, AGED ABOUT 45
PARAKKARANINNAVILA, KANAVILA VEEDU
KULATHOOR, UCHAKKADA,
THIRUVANANTHAPURAM - 695001
7. HEMALATHA
W/O.XAVIER, PARAKKARANINNAVILA, KANAVILA VEEDU
KULATHOOR, UCHAKKADA, THIRUVANANTHAPURAM – 695001.
8. XAVIER
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)
PARAKKARANINNAVILA, KANAVILA VEEDU, KULATHOOR
UCHAKKADA, THIRUVANANTHAPURAM – 695001.

R1 TO R5 BY SR. GOVT. PLEADER SRI. S.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Mn

...3/-

WP(C).No. 32736 of 2015 (N)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT. P1:- TRUE COPY OF THE COMPLAINT ADDRESSED TO THE RESPONDENTS
2 TO 5.**

**EXT. P2:- TRUE COPY OF THE POSTAL RECEIPT DTD. 6/10/2015 ADDRESSED TO
5TH RESPONDENT.**

**EXT. P3:- TRUE COPY OF THE POSTAL RECEIPT DTD. 6/10/2015 ADDRESSED TO
4TH RESPONDENT.**

**EXT. P4:- TRUE COPY OF THE POSTAL RECEIPT DTD. 6/10/2015 ADDRESSED TO
3RD RESPONDENT.**

**EXT. P5:- TRUE COPY OF THE POSTAL RECEIPT DTD. 6/10/2015 ADDRESSED TO
2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.32736 of 2015

Dated this the 4th day of November 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 6 to 8 in view of the judgment being passed today.

2. Petitioner has come up in this writ petition for a direction to respondents 2 to 5 to protect him from the threats and actions of respondents 6 to 8. Petitioner's case is that on 28/09/2015, respondents 6 to 8 trespassed into his house and attacked his father-in-law. A complaint to that effect had already been sent to respondents 2 to 5, Ext.P1 dated 06/10/2015.

3. The learned Government Pleader, on instructions, would submit that the complaint was enquired and found that no such incident happened and in essence, the dispute between the parties is regarding a pathway, which is a dispute of civil nature for which petitioner is free to take appropriate remedy in the competent Civil court.

4. Considering the submission of the learned counsel for the parties, we are of the view that no direction, as prayed for, can be issued. Petitioner, if so advised, may seek appropriate remedy in Civil court. In the event any offence is attempted or committed against the petitioner, it shall be open for him to file necessary complaint before the police, who shall look into the matter and take appropriate action, in accordance with law.

With the above observation, this writ petition is closed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/04/11/2015

