

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 36138 of 2015 (N)

PETITIONERS :

1. CHANDRAHASAN N.V. AGED 73 YEARS,
S/O.VELAYUDHAN, NADUVILEMURIPARAMBIL HOUSE,
PANAMBUKAD, ERNAKULAM.
2. BABY, S/O.CHANDRAHASAN, AGED 59 YEARS,
NADUVILEMURIPARAMBIL HOUSE,
PANAMBUKAD, ERNAKULAM.

BY ADVS.SMT.PRABHA R.MENON
SRI.R.MANOJ

RESPONDENTS :

1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY,
MINISTRY OF HOME, STATE SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE COMMISSIONER OF POLICE, ERNAKULAM - 682 031.
3. THE SUB INSPECTOR OF POLICE, MULAVUKAD - 682 504.
4. ARUNKUMAR. N.C., AGED 41 YEARS,
S/O. CHANDRAHASAN, NADUVILEMURIPARAMBIL HOUSE,
PANAMBUKAD, ERNAKULAM - 682 504.
5. ANEESH KUMAR. M.C., AGED 40 YEARS,
S/O. CHANDRAHASAN, NADUVILEMURIPARAMBIL HOUSE,
PANAMBUKAD, ERNAKULAM - 682 504.

R1 TO R3 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.
R4 & R5 BY ADVS. SRI.S.SREEKUMAR (SR.)
SMT.SUMA RATHEESH
SRI.N.RATHEESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONERS' EXHIBITS :

EXT.P1 : TRUE COPY OF THE PLAINT IN OS NO.257/2011 OF THE SUBORDINATE JUDGES COURT, ERNAKULAM DATED 15.03.2011.

EXT.P2 : TRUE COPY OF DECREE AND TERMS OF COMPROMISE IN OS NO.257/2011 OF THE SUBORDINATE JUDGES COURT, ERNAKULAM DATED 27.03.2013.

EXT.P2(A) : TRUE ENGLISH TRANSLATION OF EXT.P2.

EXT.P3 : TRUE COPY OF THE COMPLAINT FILED BY THE 1ST PETITIONER BEFORE THE REVENUE DIVISIONAL OFFICER, FORT KOCHI.

EXT.P3(A) : TRUE ENGLISH TRANSLATION OF EXT.P3.

EXZT.P4 : TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONERS BEFORE THE S.I. OF POLICE, MULAVUKAD DATED 16.11.2015.

EXT.P4(A) : TRUE ENGLISH TRANSLATION OF EXT.P4.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.36138 of 2015

Dated this the 21st day of December 2015

J U D G M E N T

Shaffique, J.

This writ petition has been filed by the petitioners alleging that respondents 4 and 5, who are the sons of the first petitioner, are creating obstruction in their residing in the residential premises owned by the petitioners. It is submitted by the learned counsel appearing for the petitioners that the first petitioner had given away 2/3rd of his property to his sons and he has got a right to reside in the building, in which, he is presently residing.

2. The aforesaid contention has been objected by the learned Senior Counsel appearing for respondents 4 and 5. It is stated that though respondents 4 and 5 are ready to take care of their father, the 2nd petitioner does not like the same. That apart, no life interest has been created in the property.

3. In this writ petition, we do not think it necessary to interfere with the property right of the parties. The sole request in this police protection matter is to have a peaceful residence in the building, in which, the petitioners are now residing. The

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petitioners are apparently residing in the ground floor and both the sons are residing with their families in the first floor of the building.

4. Having regard to the fact that family dispute is involved in this matter, we do not think that the police can interfere and provide necessary protection. That apart, the learned Senior Counsel appearing for respondents 4 and 5 would submit that they will not interfere in the petitioners' residing in the ground floor.

We record the above submission and close the writ petition with liberty to the petitioners to approach the police, if there is any law and order situation.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

S d/-
A.M. SHAFFIQUE
JUDGE