

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

WP(C).No. 36910 of 2015 (K)

PETITIONER(S):

1. **SUSEELA DEVI, AGED 68 YEARS,
ANCHUMURI VEEDU, T.C.1/135, OPP.CENTRAL WORKS,
KAIMANAM, PAPPANAMCODE, THIRUVANANTHAPURAM-695018.**
2. **SUHARBAN, D/O.JAMEELABEEVI,
AGED 51 YEARS, T.C.51/132, VARUTHATTUVILA,
OPP.KSRTC, CENTRAL WORKS, PAPPANAMCODE,
THIRUVANANTHAPURAM-695018.**

**BY ADVS.SRI.DIPU.R
SRI.K.S.BAIJU
SRI.SANAL P.RAJ
SMT. DHANYA BABU**

RESPONDENT(S):

1. **DISTRICT POLICE CHIEF (CITY POLICE COMMISSIONER),
OFFICE OF THE CITY POLICE COMMISSIONER,
THIRUVANANTHAPURAM CITY, CV.RAMAN PILLAI ROAD,
PANAVILA, THIRUVANANTHAPURAM-695034.**
2. **ASSISTANT COMMISSIONER OF POLICE,
FORT, SUB DIVISION, THIRUVANANTHAPURAM-695034.**
3. **CIRCLE INSPECTOR OF POLICE,
TRIVANDRUM CITY, THAMPANOOR,
THIRUVANANTHAPURAM-695034.**
4. **STATION HOUSE OFFICER,
KARAMANA POLICE STATION, KARAMANA,
THIRUVANANTHAPURAM-695002.**
5. **SUDHI ALIAS PAPPANAMCODE SUDHI,
S/O.GOPINATHAN NAIR, SUSHA BHAVAN,
PALACE ROAD, PAPPANAMCODE,
THIRUVANANTHAPURAM-695018.**

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6. **SUNILKUMAR, S/O.GOPINATHAN NAIR,
SUSHA BHAVAN, PALACE ROAD, PAPPANAMCODE,
THIRUVANANTHAPURAM-695018.**
7. **M.GOPINATHAN NAIR, S/O.MADHAVAN PILLAI,
SUSHA BHAVAN, PALACE ROAD, PAPPANAMCODE,
THIRUVANANTHAPURAM-695018.**

R1-4 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS

P1: COPY OF THE RECEIPT ISSUED TO THE 1ST PETITIONER BY THE OFFICE OF THE R1

P1(A): ENGLISH TRANSLATION OF EXT.P1 UNDER RIGHT TO INFORMATION ACT.

P2: COPY OF THE APPLICATION DATED 9/6/14 BEFORE THE R2

P2(A): ENGLISH TRANSLATION OF EXT.P2

P3: COPY OF THE RECEIPT NO.78/WDP/B/14/ACF ISSUED TO THE 1ST PETITIONER BY THE OFFICE OF R2

P3(A): ENGLISH TRANSLATION OF EXT.P3

P4: COPY OF THE COMMUNICATION WITH ID NO.23173-1428748-533, DATED 20/6/14

P4(A): ENGLISH TRANSLATION OF EXT.P4

P5: COPY OF THE FIR NO.849/2014 DATED 14/6/14 ALONG WITH TRANSLATION

P6: COPY OF THE FIR NO.844/14 DATED 13/6/14 ALONG WITH ENGLISH TRANSLATION

P7: COPY OF THE RECEIPT DATED 13/2/15 ISSUED BY THE R4

P7(A): ENGLISH TRANSLATION OF EXT.P7

P8: COPY OF THE ORDER IN IA.7474/14 IN OS.1745/14 DATED 3/9/14

P9: COPY OF THE RECEIPT DATED 27/11/15 ISSUED BY THE R4

P9(A): ENGLISH TRANSLATION OF EXT.P9

P10: COPY OF THE RECEIPT DATED 30/11/15 ISSUED BY THE R4

P10(A): ENGLISH TRANSLATION OF EXT.P10.

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

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

W.P.(C) No. 36910 OF 2015

Dated this the 18th day of December, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioners and learned Government Pleader.

2. Petitioners have come up with this writ petition seeking police protection to prevent the 5th respondent from repeatedly committing offensive acts against the petitioners and their property. Ext.P11 complaint dated 30.11.2015 was submitted on behalf of 1st petitioner with regard to Survey No.14/10 which was acquired. There is a dispute between the petitioners and private respondents and with regard to which O.S. Nos.1124 of 2013 and 544 of 2014 are pending. The only allegation is that trespass of the property was committed. Learned counsel for the petitioner has also referred to Ext.P13 complaint which was given on 01.11.2014.

3. Learned Government Pleader submits that earlier a crime was also registered and allegations which have been

made now are allegations with regard to enjoyment of property for which no police protection is necessary and petitioners may get their right settled by approaching competent civil court.

We have considered the submissions made by the parties and perused the records. We are of the view that present is not a fit case to grant the relief sought for. We only observe that the petitioners have to get their right settled or obtain such other relief as permissible under law. The Writ Petition is dismissed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**

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