

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 38108 of 2015 (K)

PETITIONER :

M.D.GEORGE, AGED 65 YEARS
S/O.DEVASSIA, MUKALEL, VENKURINJI P.O.,
OLAKKULAM, RANNI TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.B.PRAMOD

RESPONDENTS :

1. THE CIRCLE INSPECTOR OF POLICE, VADASSERIKARA
POLICE STATION, PATHANAMTHITTA DISTRICT - 689 662.

2. V.T.JOSEPH
VADAKAYIL HOUSE, VENKURINJI PO, OLAKKULAM
RANNI DISTRICT, PATHANAMTHITTA DISTRICT - 686 570.

R1 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 38108 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : TRUE COPY OF THE BASIC TAX RECEIPT DT 16-6-2015 WITH ENGLISH TRANSLATION.
- EXT.P2 : TRUE COPY OF THE PLAN OF THE PROPOSED HOUSE.
- EXT.P3 : TRUE COPY OF THE BUILDING PERMIT DT 11-12-2015 WHICH THE PETITIONER HAS SUBMITTED BEFORE THE PNACHAYATH.
- EXT.P4 : TRUE COPY OF THE BASIC TAX RECEIPT DT 26-10-2015 WITH ENGLISH TRANSLATION.
- EXT.P5 : TRUE COPY OF THE PLAINT IN OS NO.297/2015 BEFORE THE HON'BLE MUNSIFF'S COURT, RANNI.
- EXT.P6 : TRUE COPY OF THE COMPLAINT DT 2-12-2015 SUBMITTED TO 1ST RESPONDENT WITH ENGLISH TRANSLATION.
- EXT.P7 : TRUE COPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT WITH ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 38108 OF 2015

Dated this the 22nd day of December, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and learned Government Pleader. No notice is being issued to the 2nd respondent in view of the order which is being passed.

2. Petitioner has come up with the writ petition seeking police protection. Petitioner's case is that he is constructing a house in his property. He has purchased 0.80 ares of land from 2nd respondent to reach the plot. The 2nd respondent who is a building contractor has approached the petitioner and he refused to give the work to the 2nd respondent. Hence petitioner apprehends obstruction and threat from 2nd respondent.

3. Learned Government Pleader after obtaining instructions submits that the 2nd respondent has already filed a civil suit, O.S. No.297/2015 before the Munsiff's Court, Ranni against the petitioner. As the issue between the parties is of

civil nature, both parties were called to the police station and has been warned. Police instructed them to obtain appropriate orders from the Civil Court.

4. Considering the aforesaid facts, we are of the view that no orders need be issued in the writ petition. We only observe that if any offence is committed or attempted to commit offence, it shall be open for the petitioner to file a complaint before the Police who may look into the same and do the needful. Parties shall get their rights adjudicated in the Civil Court.

With the above observation the Writ Petition is closed.

**Ashok Bhushan,
Chief Justice.**

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

WP(C) No. 38108 of 2015

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