
(2018) 01 KL CK 0075
In the High Court Of Kerala
Case No : 2252 of 2018 (F)

FRANCIS STANLEY

APPELLANT

Vs

THE SUPERINTENDENT OF POLICE

RESPONDENT

Date of Decision : 30-01-2018

Acts Referred:

Citation : (2018) 01 KL CK 0075

Hon'ble Judges : K.Vinod Chandran, Ashok Menon

Bench : Division Bench

Advocate : C.ANILKUMAR, C.Y.VINOD KUMAR, P.P.THAJUDHEEN

Final Decision : Dismissed

Judgement

1. The 1st petitioner claims to be the owner of a waterway having an extent of 4.76 acres in Kuzhuppilly Village, by virtue of Ext.P1 title deed. The

2nd petitioner took the aforesaid water body on lease from the 1st petitioner on 10-11-2017 for installing Chinese fishing net. Ext.P2 agreement

was entered into between them. While the petitioners were engaged in fixing the wooden poles for the Chinese fishing net, the 3rd respondent, his

son and their henchmen obstructed the petitioners, destroyed the wooden poles installed and threatened them with dire consequences. The

petitioners were not able to protect their right because they were outnumbered by the 3rd respondent and his henchmen. The 1st petitioner

submitted Ext.P3 complaint before the 1st respondent seeking protection to their life and property. It is submitted that the 1st petitioner also filed

O.S.No.284/2009 before the Munsiff's Court, North Paravur for getting the boundary of his property fixed and the 3rd respondent too filed

O.S.No.465/2007 for an injunction. The civil suits are pending consideration. The

petitioners seek interference of this Court for issuing a positive direction to respondents 1 and 2 to afford sufficient and adequate protection to the petitioners' life and property, so that they could install the Chinese fishing net and conduct fishing, and also to direct the 1st respondent to take appropriate action on Ext.P3 complaint filed by the 1st petitioner.

2. We heard the learned Senior Government Pleader appearing for respondents 1 and 2 and the learned Counsel for the petitioners.

3. Admittedly, there is a civil dispute pending between the 1st petitioner and the 3rd respondent. Though the documents regarding the civil suit

have not been produced in the Writ Petition, from the averments of the petitioners, it is adequately clear that the 1st petitioner has approached the

civil court to get the boundary of his property fixed, while the 3rd respondent has sought a permanent injunction. In fact it was the 3rd respondent,

who was the first to approach the civil court for relief against the 1st petitioner. In view of the fact that there is dispute regarding the identity and

boundary of the property between the 1st petitioner and party respondent, and probably a scramble for title, it may not be appropriate for this

Court to direct the police authorities to interfere in the civil dispute. Hence, no positive direction is issued to respondents 1 and 2. However, in

case there is any specific complaint regarding any cognizable offence made by the petitioners, or any law and order issue, the 2nd respondent shall

take appropriate action in accordance with law, even without there bring any specific direction from this Court. With these observations, the Writ

Petition is dismissed. No costs.