

(2010) 09 KL CK 0377

In the High Court Of Kerala

Case No : Writ Petition (C) No. 23983 of 2010 (W)

Karuppanna Gounder and Velathal

APPELLANT

Vs

Pazhaniswamy Gounder and Others

RESPONDENT

Date of Decision : 22-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0377

Hon'ble Judges : M.C. Hari Rani, J;K.M. Joseph, J

Bench : Division Bench

Advocate : T. Sethumadhavan, for the Appellant; P.K. Mohanan, for the Respondent

Judgement

K.M. Joseph, J.—The petitioners have approached this Court seeking the following reliefs:

i) issue a writ of mandamus or any other appropriate writ, order or direction, directing respondents 5 to 7 to provide adequate protection to the life and property of the petitioners.

ii) issue a writ of mandamus or any other appropriate writ, order or direction, directing respondents 5 to 7 to take effective action against respondents 1 to 4 on the basis of the complaint (Exhibit P1) made by the petitioners as per Ext.P1.

2. Briefly put, the case of the petitioner is as follows:

3. Petitioners are husband and wife and aged 80 and 72 years respectively. Respondents 1 to 3 are children of the petitioners. 4th respondent is the son of the 1st respondent. There is a settlement between them and their children. The petitioners are in possession of an extent of 4 acres and 16 cents of land which includes residential house in which petitioners reside all alone. Respondents 1 to 3 started demanding to give the 4 acres 16 cents. There are allegations made against respondents 1 to 4 as to what happened on 11/7/2010. Threats and physical harm are alleged. It is the case of the petitioners that their life is in

danger. They have approached this Court accordingly.

4. Counter affidavits have been filed to which reply affidavits are filed. We have heard the learned Counsel for both parties. We have only passed interim orders directing respondents 5 to 7 to offer protection to the life of the petitioners as against respondents 1 to 4. The learned Counsel for respondents 1 to 4 also would submit that there is no intention to cause threat to the life of the petitioners.

5. We accordingly dispose of the writ petition as follows. The interim order passed by this Court is made absolute. We however make it clear that we have not pronounced anything on the question relating to property rights of the parties. We relegate the parties to approach the competent civil court/forum and if the matter comes before the civil court/forum, the civil court/forum shall proceed to dispose of the matter untrammelled by anything contained in this judgment.