
(2012) 11 KL CK 0158
In the High Court Of Kerala
Case No : WP (C) . No. 27121 of 2012 (M)

K.K. Moideenkutty

APPELLANT

Vs

The State of Kerala and Others

RESPONDENT

Date of Decision : 21-11-2012

Acts Referred:

Citation : (2012) 11 KL CK 0158

Hon'ble Judges : K.M. Joseph, J;K. Harilal, J

Bench : Division Bench

Advocate : Jamsheed Hafiz, for the Appellant; P. Vijayaraghavan Government Pleader Sri. C.R. Syamkumar, R1 to R3 by State Attorney, for the Respondent

Judgement

K.M. Joseph, J.—Petitioner has approached this Court alleging police harassment. Briefly put, the case of the petitioner is as follows :-

Petitioner is the resident of Pariyapuram Amsom, Panangattur Desom in Malappuram District. He owns 11.2 acres in R.S.No. 27/2 and 2 acres and 32 cents in R.S. No. 29/14 of Panangattur Desom. Respondents 4 to 7 are residing on the eastern side of the petitioner's property. The respondents 4 to 7 trespassed into the petitioner's property and the petitioner was constrained to file a suit as O.S. No. 92/2002 before the Munsiff Court, Parappanangadi for injunction to restrain respondents 4 to 7 from entering into the property and obtained Ext. P1 decree. Respondents 4 to 7 filed an appeal before the Subordinate Judge of Tirur as A.S. No. 1/2004, which was dismissed by the lower appellate court by Ext. P2 decree. The respondents has not so far filed any appeal and has not challenged the decree and Judgment in the above appeal and hence has become final. Matter being so, the 3rd respondent under the influence of respondents 4 to 7 are coming to the property of the petitioner and compelling the petitioner to execute document permitting respondents 4 to 7 to use the way in the property. On reluctance of the petitioner, the 3rd respondent along with respondents 4 to 7 on 13.11.2012 trespassed into the property of the petitioner and attempted to manhandle the petitioner and his son as evidenced by Ext. P3.

Being aggrieved by the acts of the harassment of the 3rd respondent, the petitioner filed this writ petition.

2. The learned Government Pleader on instructions would submit as follows :-

A complaint was received over phone that the petitioner has removed slab in the pathway in question. Police went there and replaced the slab. Then the police realised that it is a civil dispute and relegated the parties to approach the competent forum. It is submitted that no crime has been registered and the Police will not interfere as regards the dispute relating to the parties.

We record the above submissions of the learned Government Pleader and dispose of the writ petition.