
(2011) 03 KL CK 0060

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 8554 of 2011 (I)

Sukumaran Nadar

APPELLANT

Vs

Circle Inspector of Police and Others

RESPONDENT

Date of Decision : 25-03-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 03 KL CK 0060

Hon'ble Judges : R. Basant, J;K. Surendra Mohan, J

Bench : Division Bench

Advocate : D. Ajithkumar, for the Appellant; G. Sudheer, for the Respondent

Final Decision : Dismissed

Judgement

R. Basant, J.—Petitioner has come to this Court seeking directions for police protection against culpable, contumacious and violent acts apprehended from Respondents 3 to 6.

2. According to the Petitioner, a 70 year old person one Lalitha in the locality is conducting illicit transactions in arrack. Action was taken against the said Lalitha. According to the Petitioner the said Lalitha as well as Respondents 3 to 6 who are acting in collusion with the said Lalitha are under the impression that the Petitioner and family are responsible for informing the authorities about the illegal activities of Lalitha. On account of this animosity Respondents 3 to 5 are indulging in contumacious and violent conduct. It is in these circumstances prayed that police protection may be ordered.

3. Respondents 3 to 5 have entered appearance. They oppose the application. They have a totally different version to advance. According to them they have nothing to do with the lady by name Lalitha. The real bone of contention of the Petitioner and Respondents 3 to 5 is to attempt to construct a compound wall. According to the party Respondents Petitioner is attempting to construct the compound wall by trespassing into the property by Respondents 3 to 5. This

construction was objected to. There was an unfortunate incident when the Petitioner attempted to forcibly undertake the construction. Parties were called to the police station. No crimes have been registered. Petitioner is attempting to steal a march over Respondents 3 to 5 by initiating proceedings under Article 226 of the Constitution. In these circumstances it is submitted that this petition may be dismissed.

4. Notice was given to the learned Govt. Pleader. The learned Govt. Pleader after taking instructions submits that in the perception of Respondents 1 and 2 there is no threat to the life or person of the Petitioner. It is true that there are disputes but violence is not apprehended. If there be any act of violence between the Petitioner on the one hand and Respondents 3 to 5 on the other the police shall be taking necessary action. In these circumstances it is not necessary for this Court to issue any specific directions submits the learned Govt. Pleader.

5. We have considered all the relevant inputs. We are not persuaded to agree that any specific directions need be issued. In coming to that conclusion we heavily rely on the submissions of the learned Govt. Pleader that Respondents 1 and 2 shall ensure that there is no threat to the life and person of the Petitioner.

6. This petition is in these circumstances dismissed.