
(2012) 08 KL CK 0116

In the High Court Of Kerala

Case No : Writ Petition (C) No. 17084 of 2012 (I)

Vijayakumaran Pillai

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 01-08-2012

Acts Referred:

Citation : (2012) 08 KL CK 0116

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

Bench : Division Bench

Advocate : S.L. Sylaja, for the Appellant; R. Rajasekharan Pillai, Smt. Sabina Jayan and Sri. Dhanush Mathew Mayoovan, Government Pleader, for the Respondent

Judgement

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

Petitioner is an ex-serviceman. He has filed a civil suit against one Basheer Kutty. Petitioner borrowed Rs. 50,000/- from Basheer Kutty and signed blank stamp paper and signed blank cheque are given to him as security. The amount is paid to Basheer Kutty, but, he did not return the signed stamp paper and cheque. He demanded more money. He had obtained signature of the petitioner in a deed by force. Therefore the suit. There is allegation that the party respondents came to the house of the petitioner and demanded him to withdraw the civil suit. Petitioner refused. They assaulted and manhandled him. Petitioner filed complaint and is before us.

2. A counter affidavit is filed by respondents 4 and 5 inter alia alleging that petitioner had approached the party respondents expressing his intention to sell his residential property. They have introduced him to one Basheerkutty, a retired Deputy Registrar of MG University and an agreement is executed. It is stated that petitioner wanted the sale deed to be executed urgently and the sale deed was registered. There is reference to Ext.R5 by which the application for injunction was dismissed and the Sub Court found that the case of the

respondent (Basheerkutty) that he is having possession of plaint schedule property has to be accepted prima facie. We heard the learned counsel for the petitioner, learned counsel for the party respondents and also the learned Government Pleader. Learned counsel for the petitioner prays time to file reply affidavit. Learned counsel for the party respondents would submit that they have no intention to cause any threat to the life of the petitioner. We record the said submission. As far as the property rights of the petitioner is concerned, we do not think that petitioner has made out a case. It is for the petitioner to work out his remedies before competent forum. Besides recording the submission of the party respondents that there will be no threat to the life of the petitioner, we also record the submission of the learned counsel for the party respondents that the party respondents have no intention to compel the petitioner to withdraw the civil suit. If, contrary to the said submission before the Court, there is any complaint filed by the petitioner before the 3rd respondent of any threat by respondents 4 and 5 to the life of the petitioner, the 3rd respondent will look into the complaint and if the complaint is found to be genuine he will afford protection to the life of the petitioner as against respondents 4 and 5. We make it clear that, we have not pronounced on the correctness of the allegations made against the party respondents. If the matter comes before any forum in a lis between the parties, the said forum will be free to decide it untrammelled by anything contained in this judgment. We make it crystal clear that we have not ordered police protection for the property rights of the petitioner and it is for the petitioner to seek relief in the appropriate Civil Court.