

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HON'BLE ACTING CHIEF JUSTICE MRS.MANJULA CHELLUR
&
THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 15TH DAY OF FEBRUARY 2012/26TH MAGHA 1933

WPC.No. 3376 of 2012 (V)

PETITIONER:

SULEKHA R.
W/O.SURENDRAN, AGED 48 YEARS, RESIDING AT S.S.NIVAS
POOTHAMCODE, NELLIMOODU P.O., THIRUVANANTHAPURAM.

BY ADV. SMT. VIJAYAKUMARI

RESPONDENTS:

1. SUPERINTENDENT OF POLICE (RURAL) TRIVANDRUM DISTRICT
THIRUVANANTHAPURAM-695001.
2. THE DIRECTOR GENERAL OF POLICE
TRIVANDRUM-695001.
3. SUB-INSPECTOR OF POLICE
NEYATTINKARA POLICE STATION, NEYATTINKARA
THIRUVANANTHAPURAM-695001.
4. MR.HARRISON XAVIER
DEPUTY SECRETARY TO GOVERNMENT, NORKA DEPARTMENT
THIRUVANANTHAPURAM, KERALA-695001.
5. O.V.SREEDATH,
GOVINDAMANDIRAM, THALAIYIL, RUSSELPURAM
BALRRAMPURAM, NEYATTINKARA
THIRUVANANTHAPURAM-695001.
6. PRABHAKARAN
S/O.GOVINDHAN, KODIVILAKATHU VEEDU, VENPAKAL P.O.
NEYATTINKARA, TRIVANDRUM-695001.

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7. SHAJI
S/O.PANKAJAKSHAN NAIR, KEERAPATHIMELE PUTHEN VEEDU
VENPAKAL, NEYYATTINKARA, TRIVANDRUM-695001.

R1 TO R3 BY GOVERNMENT PLEADER, SRI.SHYSON P. MANGUZHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-02-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: INJUNCTION ORDER DT.9-3-2011 BY THE II ADDL.MUNSIFF COURT, NEYYATTINKARA.

EXHIBIT P2: TRUE COPY OF FIR DATED 12-12-11 IN CR.1873/2011 LODGED BY NEYYATTINKARA POLICE STATION.

EXHIBIT P3: TRUE COPY OF MALAYALA MANORAMA DAILY DT.16-12-2011.

EXHIBIT P4: TRUE COPY OF IA FILED IN OS 259/11 TO APPOINT AN ADVOCATE COMMISSIONER DT.22-12-2011.

EXHIBIT P5: TRUE COPY OF THE LETTER DT.21-12-2011 ISSUED BY THE EMBASSY OF INDIA TO THE SECRETARY, NORKA DEPARTMENT ACCOMPANIED WITH A PETITION TO THE R1 BY THE HUSBAND OF THE PETITIONER.

EXHIBIT P6: TRUE COPY OF THE LETTER MADE BY THE PETITIONER BEFORE THE SI OF POLICE, NEYYATTINKARA POLICE STATION.

RESPONDENTS' EXHIBITS:

NIL

/TRUE COPY/

PA TO JUDGE

Manjula Chellur, Ag. C.J. & P.R.Ramachandra Menon, J.

W.P.(C) No. 3376 OF 2012

Dated this the 15th day of February, 2012

JUDGMENT

Manjula Chellur, Ag. C.J.

Heard the learned counsel for the petitioner as well as the Government Pleader.

2. The dispute pertains to landed property measuring about 43 cents in several survey numbers, said to be the property of the petitioner and her husband. According to her, an year prior to the institution of the present writ petition, respondent Nos.5 to 7 along with rowdy elements came to the house of the petitioner and demanded for parting away with a portion of the land so as to make pathway. At that time, she filed Original Suit, O.S. No.259 of 2011 and even obtained an order of temporary injunction restraining respondent Nos.5 to 7 or anyone claiming under them from interfering with the peaceful possession and enjoyment of the property.

3. It is alleged, on 12.12.2011 at about 4 a.m., again respondent Nos.5 to 7 and their supporters said to have

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trespassed into the land of the petitioner and destroyed some of the standing trees. A complaint came to be lodged and a crime was registered as Crime No.1873 of 2011 on the file of the respondent Police for offences punishable under Sections 143, 147, 148, 149, 188, 447 and 427 IPC. It is apparent on the face of records that another application for appointment of a Commissioner to assess the damages caused to the property of the petitioner is also filed subsequent to 12.12.2011.

4. On instructions, the Government Pleader informs that a crime number is registered against respondent Nos.5 to 7 and others. The main grievance seems to be that these accused persons were not apprehended and arrested by Police, but according to the Police, they are absconding and they are making efforts to trace them out. If the petitioner knows the whereabouts of these accused persons, it is open to her to inform the police whereabouts of party respondents and other accused. When the accused persons are absconding, question of them again coming and threatening would not arise. Even otherwise on the complaint of the petitioner already action is initiated and

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the investigation is pending. It is also open to the petitioner to approach the Civil Court for action, as respondents said to have violated the terms of temporary injunction.

With these observations, directing the respondents to address to the need of the petitioner in case of any further threats, we dispose of the Writ Petition.

**Manjula Chellur,
Ag. Chief Justice.**

**P.R.Ramachandra Menon,
Judge.**

ttb/15/02