

A. Krishnan Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1133069

Court : Kerala

Decided On : Feb-18-2014

Judge : Hon'Ble the Chief Justice Dr. Manjula Chellur

Appellant : A. Krishnan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HON'BLE THE CHIEF JUSTICE DR. MANJULA CHELLUR & THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE TUESDAY, THE 18TH DAY OF FEBRUARY 2014 29TH MAGHA, 1935 WP(C).No. 3646 of 2014 (E)
----- PETITIONERS: ----- 1. A. KRISHNAN AGED 75 YEARS S/O.ANANTHAKRISHNA IYER, RESIDING AT MADATHUMURI MULLAKKAL, ALAPPUZHA - 11 ALAPPUZHA DISTRICT PIN 688011.

2. DR.K.RAMESH AGED 42 YEARS S/O.KRISHNAN, MADATHUMURI, MULLAKKAL ALAPPUZHA 11 ALAPPUZHA DISTRICT NOW RESIDING AT NO.100 KITTU RESIDENCY FLAT NO.105, NAGRAMALAI ROAD, ALAGAPURAM SALEM DISTRICT, PIN 636016. BY ADVS.SRI.V.S.CHANDRASEKHARAN SRI.M.V.DAS SMT.LEKSHMI SWAMINATHAN SRI.S.A.SWAPNA RESPONDENTS: ----- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 018.

2. SUPERINTENDENT OF POLICE ALAPPUZHA DISTRICT, ALAPPUZHA PIN - 688 011 3. SUB INSPECTOR OF POLICE PUNNAPARA, ALAPPUZHA DISTRICT, PIN688004 4. PRABHAKARAN, AGED65YEARS S/O.GOVINDAN, PRAJITH BHAVAN, KAKKAZHAM P.O. AMBALAPPUZHA VILLAGE, ALAPPUZHA DISTRICTPIN688005 5. B.JAYAKRISHNAN, AGED46YEARS S/O.BHASKARAN NAIR, VAISHAKH HOUSE, NO.48 KAITHAVANA HOUSING BOARD SANATHANAPURAM P.O.ALAPPUZHA DISTRICT PIN688003. BY STATE ATTORNEY SRI.P.VIJAYARAGHAVN THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON1802-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 3646 of 2014 (E) ----- APPENDIX PETITIONER(S)' EXHIBITS ----- EXT.P-1: COPY OF THE SALE DEED NO.274/1/12 EXT.P-2: COPY OF THE SALE DEED NO.263/1/12 EXT.P-3(A): COPY OF THE LAND TAX RECEIPT NO.2684 165 DATED94.2012 ISSUED BY PUNNAPRA VILLAGE OFFICE. EXT.P-3(B): COPY OF THE LAND TAX RECEIPT NO.2684 166 DATED94.2012 ISSUED BY PUNNAPRA VILLAGE OFFICE. EXT.P-4: TRUE COPY OF THE SALE DEED DATED2012.13 EXECUTED BY THE PETITIONERS IN FAVOUR OF SMT.SABITHA. EXT.P-5: COPY OF THE ACKNOWLEDGMENT ISSUED BY THE DISTRICT POLICE OFFICE, ALAPPUZHA DISTRICT. EXT.P-6: A DULY SIGNED COPY OF THE COMPLAINT ALSO WAS SENT BY REGISTERED POST TO THE2D RESPONDENT EXT.P-7: TRUE COPY OF THE AGREEMENT ENTERED INTO BY THE1T PETITIONER WITH THE4H AND5H RESPONDENT. RESPONDENT(S)' EXHIBITS NIL ----- TRUE COPY P.A.TO JUDGE MANJULA CHELLUR C.J.

& A.M.SHAFFIQUE, J.

===== W.P.(C). No.3646 of 2014 =====
===== Dated this the 18 thday of February, 2014

JUDGMENT

Shaffique, J Petitioners approached this Court seeking direction to respondents 2 and 3 to take appropriate action pursuant to Exts. P5 and P6 complaints.

2. According to the petitioners they are the owners in possession of 22.10 Ares of land comprised in Block No.11, Re Survey No.491/3 and Re-Survey No.492/12 of Punnapra village, Ambalapuzha Taluk, Alappuzha district obtained as per Sale deed Nos.274/1/12 and 263/1/13. The sale deed was executed by the 4th respondent. When the 2nd petitioner went to the site for measurement of the property, the same was obstructed by 4th and 5th respondents. Later 2nd petitioner received a telephonic call threatening that he will be killed. On that basis complaint has been filed before the police to which no has been taken by the police in the matter. W.P.(C). No.3646 of 2014 2 3. Learned State Attorney on instructions would submit that there had been some disputes with reference to the right of the property covered by sale deed, especially since as per the terms of the sale deed the petitioners have agreed to re- convey the property in favour of the 4th respondent and a sale deed was executed as security for refund of advance received by the 5th respondent. Respondents 4 and 5 are partners of certain business transactions.

4. Having regard to these factual statements, the question to be considered is whether the petitioners are entitled for any protection as far as property is concerned or with reference to their life. As far as the right of the petitioners to enter into the property to take measurements in the property is concerned, if there is illegal obstruction by the party of respondents 4 and 5, the petitioners will have to approach the civil court for settlement of disputes and get necessary prohibitory orders as may be required under the law. W.P.(C). No.3646 of 2014 3 5. As far as the threat to the life of the petitioners Police is directed to enquire into the matter and take necessary action in accordance with the procedure prescribed. With the above observations, this writ petition is disposed of. MANJULA CHELLUR, CHIEF JUSTICE A.M.SHAFFIQUE, JUDGE. sj 19/2