



2025:KER:18429

WP(C) NO. 33066 OF 2023

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

WEDNESDAY, THE 5TH DAY OF MARCH 2025 / 14TH PHALGUNA, 1946

WP(C) NO. 33066 OF 2023

PETITIONERS:

- 1 NABEESABEEVI,
AGED 77 YEARS
W/O S.M SHEREEF, RESIDING AT SHEREEF GARDENS,
NELLIPPALLY P.O, VALACODU VILLAGE, PUNALUR TALUK,
KOLLAM, PIN - 691331
- 2 NASEEMASHEREEFF
AGED 56 YEARS
D/O NABEESA BEEVI, RESIDING AT SHEREEF GARDENS,
NELLIPPALLY P.O., VALACODU VILLAGE, PUNALUR
TALUK, KOLLAM, PIN - 691331

BY ADV S.SREEJITH (S-3453)

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF HOME AFFAIRS, GOVERNMENT
SECRETARIAT, TRIVANDRUM, PIN - 695001
- 2 THE STATION HOUSE OFFICER,
PUNALUR POLICE STATION, KOLLAM, PIN - 691305
- 3 THE DISTRICT POLICE CHIEF,
OFFICE OF THE DISTRICT POLICE CHIEF (RURAL),
KOTTARAKKARATALUK, KOLLAM DISTRICT, PIN - 691506
- 4 ARAVIND,
AGED 51 YEARS



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S/O VISHWAMBHARAN, RESIDING AT KRISHNA NILAYAM,
THAZEMEL MURI, ANCHAL VILLAGE, PUNALUR TALUK,
KOLLAM, PIN - 691306

- 5 AJAY GHOSH,
AGED ABOUT 45 YEARS, S/O MURALEEDHARAN, RESIDING
ATSREEKAILASAM, PUNALUR P.O., VALACODE VILLAGE,
PUNALUR TALUK, KOLLAM, PIN - 691305
- 6 MOHANKUMAR
AGED ABOUT 50 YEARS, S/O VMADEVAN,
CHARUVILAZHIKATHUVEEDU, VALACODEVILLAGE, PUNALUR
TALUK, KOLLAM, PIN - 691305
- 7 AJAY RANI
AGED ABOUT 40 YEARS, D/O MURALEEDHARAN, RESIDING
AT 'ANJALI', KNRA 59, KAIKULANGARA WEST, KACHERY
P.O., KOLLAM, PIN - 691013

BY ADVS.
RAJESH. R (RAMAMOORTHY)
SAJU J PANICKER
KURIAN K JOSE(K/001510/2019)

GOVERNMENT PLEADER SRI. B.S. SYAMANTHAK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 05.03.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



Dated this the 5th day of March, 2025

JUDGMENT

The writ petition is filed to direct the respondents 2 and 3 to afford adequate police protection to the lives and properties of the petitioners from the threats of the respondents 4 to 7 and their men.

2. Although this writ petition was filed on 10.10.2023, this Court has not admitted the writ petition and no interim order has been passed.

3. Heard; the learned counsel for the petitioners, the learned Government Pleader and the learned counsel appearing for the party respondents.

4. It is conceded across the Bar that there is a civil suit pending between the petitioners and the 4th respondent as O.S.No.534/2015 before the Court of Munsiff, Punalur.



5. In Padmanabhan N v. State of Kerala (2024 KHC Online 7177), the Division Bench of this Court has held as follows:

“6. Police protection cannot be asked for issues that fall within the jurisdiction of civil courts, particularly when it involves resolving private disputes between parties. It is well established in law that civil rights must be adjudicated by competent civil courts. The enforcement of civil court orders should be carried out in accordance with the procedures outlined in the Code of Civil Procedure, 1908, or any relevant statute that establishes the appropriate forums for such matters.

xxx xxx xxx

8. Seeking and employing a police force cannot be a means to sidestep the need for dispute resolution in competent courts. Invariably, such directions are sought invoking Article 226 of the Constitution of India.”

6. On an analysis of the facts and materials on record, particularly that there are disputes between the parties pending before the Civil Court, I am of the view that the petitioners would have to get their rights established by the Civil Court and not through a writ petition. Therefore, I am not inclined to pass an order of police protection in favour of the petitioners. Nonetheless, I direct the second respondent to ensure that law and order is maintained



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in the petitioners' locality, without interfering in the civil disputes between the parties.

With the above observations, the writ petition is dismissed.

Sd/-

C.S.DIAS, JUDGE

rmm5/3/2025



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APPENDIX OF WP(C) 33066/2023

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE SUIT BEING O.S. NO. 534 OF 2015 FILED BEFORE THE MUNSIFF'S COURT, PUNALUR
- Exhibit P2 A TRUE COPY OF THE WRITTEN STATEMENT AND COUNTER CLAIM COMPLAINT FILED BY THE PETITIONERS IN O.S. NO. 534 OF 2015 BEFORE THE MUNSIFF'S COURT, PUNALUR.
- Exhibit P3 A TRUE COPY OF THE STATUS QUO ORDER OF THE MUNSIFF'S COURT, PUNALUR DATED 03.12.2015 IN I.A. NO. 3058 OF 2015 IN O.S. NO. 534 OF 2015.
- Exhibit P4 TRUE COPY OF THE INTERIM ORDER DATED 16.03.2022 PASSED BY THIS HON'BLE COURT IN O.P.C. NO. 320 OF 2022
- Exhibit P5 A TRUE COPY OF THE COMPLAINT DATED 19.09.2023 FILED BY THE 2ND PETITIONER HEREIN BEFORE THE 2ND RESPONDENT SHO, PUNALUR POLICE STATION.
- Exhibit P6 A TRUE COPY OF THE COMPLAINT DATED 25.09.2023 FILED BY THE 2ND PETITIONER HEREIN BEFORE THE 3RD RESPONDENT DISTRICT POLICE CHIEF, KOLLAM.
- Exhibit P7 A TRUE COPY OF THE URGENT COMMISSION REPORT DATED 22.11.2015 IN O.S. NO. 534 OF 2015 BEFORE THE MUNSIFF'S COURT, PUNALUR.