

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

&

THE HONOURABLE MR. JUSTICE M.L.JOSEPH FRANCIS

WEDNESDAY, THE 30TH JUNE 2010 / 9TH ASHADHA 1932

WP(C).No. 20189 of 2010(W)

PETITIONER:

C.S.JACOB, S/O.SENSILAVAS,
AGED 43 YEARS, CONTRACTOR, CC 584/3,
MARADU PANCHAYAT.

BY ADV. SRI.C.T.JESTIN
SRI. TOMY THOMAS

RESPONDENTS:

1. CIRCLE INSPECTOR OF POLICE,
ERNAKULAM TOWN SOUTH POLICE STATION,
THEVARA, ERNAKULAM.
2. COMMISSIONER OF POLICE,
KOCHI CITY.
3. T.C.MATHEW, AGED 65 YEARS,
S/O.T.C.CHANDY, THAZHAMON HOUSE,
HOUSE NO.3/584, THOMASPURAM, MARADU,
ERNAKULAM, PIN-682 304.

G.P. SHRI T K VIPINDAS FOR R1 & 2.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/06/2010, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**K. M. JOSEPH &
M.L. JOSEPH FRANCIS, JJ.**

W.P.(C).No. 20189 of 2010 W

Dated this the 30th day of June, 2010

JUDGMENT

Joseph, J.

The petitioner has approached this Court seeking the following reliefs:

“i) to issue a writ of mandamus or other appropriate writ or order directing the 1st respondent and his subordinates not to harass the petitioner.

ii) to issue a writ of mandamus or other appropriate writ or order directing the 2nd respondent to consider Ext.P2 complaint and initiate appropriate action against the 1st respondent for his interference in a pure civil dispute between the petitioner and the 3rd respondent.”

2. Briefly the case of the petitioner is as follows. The petitioner took on lease a residential building owned by the third respondent on a monthly rent of Rs.5,000/- The third respondent demanded vacant possession of the building. But the petitioner could not find out an alternate accommodation in the near vicinity with the same facilities. Thereafter the third respondent filed R.C.P. No. 63 of 2009 before the Rent Control Court, Ernakulam, which was allowed and the petitioner was directed to give vacant possession of the building. The petitioner has applied for a copy of the judgment, which is yet to be obtained. The third respondent has not taken any steps to execute the order.

3. In the mean time, on 26.6.2010, the first respondent, along with the police party, came to the residence of the petitioner and threatened him and his family members with dire consequences, if he does not vacate the premises by 30.6.2010. The petitioner apprehends that the third respondent landlord has influenced the first respondent to evict him from the premises. On earlier occasion also, when the first respondent make attempts under the instigation of the third

respondent to evict him, he filed Ext.P2 before the second respondent.

4. The learned Government Pleader, on instructions, submits that an order of eviction was obtained by the third respondent from the Rent Control Court directing the petitioner to vacate the premises by 30.6.2010. The third respondent, who is an N.R.I., has filed a petition before the N.R.I. Cell. It is stated that the third respondent is a heart patient. The N.R.I. cell forwarded the petition to the Superintendent of Police, NORKA cell, who forwarded the same to the second respondent, Commissioner of Police. The second respondent directed the first respondent, who went to the petitioner and asked him to comply with the court order.

5. We are convinced that the apprehension of the petitioner is genuine. The first respondent had absolutely no authority to call upon the petitioner to vacate the premises. The matter is governed by the Rent Control Act. It gives a right of appeal to the petitioner. The police have no role at all in the matter at this stage.

6. We dispose of the Writ Petition after recording the submission of the learned Government Pleader that the first respondent has realised his mistake and he will not interfere in the matter.

(K. M. JOSEPH)
Judge

(M.L. JOSEPH FRANCIS)
Judge

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