

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 15th October, 2010.

H.R.M.P.No. 301 of 2010

Petitioner : Rajila eevi, Al. Ain house,
House No.885, Peringammala.P.O,
Thiruvananthapuram.

Respondents : 1) Nadeera, 2) Noushad, relative of R1
3) Close Neighbour of R1
4) Abdul Nasar, Anthipurayil, Peringammala
5) Geetha Vijayan, neighbour.

ORDER

The complaint of the petitioner is that as the tamarind tree of the fifth respondent is posing threat to her house she requested her to cut and remove the tree and on revenge R1 to 4 encroached into her house on 20-1-2010 and assaulted her. According to her, she filed a petition to the Superintendent of Police and the Chief Minister and the Chief Minister forwarded the complaint to Palode Police Station but the Sub Inspector of Police abused her with a view to help the respondents. It is her further complaint that rain water is entering into her property during rainy season and her petition to the authorities fell on deaf ears..

The Deputy Superintendent of Police, Nedumangad, forwarded the enquiry report prepared by the Circle Inspector of Police, Palode to this Commission. In the said report it is stated that the petitioner and the respondents are neighbours and as the fifth respondent did not cut and remove the alleged tamarind tree the

petitioner filed petitions to higher authorities and hence the C I of Police Palode directed the fifth respondent to cut and remove the branch of the said tree and also informed the parties that if they have any grievance they have to approach the civil forum to seek their grievance redressed. According to the report, the enquiry revealed that the parties used to quarrel even over small issues leading to filing of complaints against each other and the enquiry did not reveal anything to prove the other allegations. The report concluded by stating that as the averments are civil in nature and as the other allegations are not true no further action can be taken on the complaint.

The averments in the complaint and the report show that the dispute between the parties relates to civil matters and hence no further orders can be passed by this Commission in view of clause 17 (f) of the Kerala State Human Rights Commission (Procedure) Regulations 2001. It is also to be stated that as regards the allegation of the petitioner about the inaction by Police on her complaint she has to approach the appropriate forum to redress her grievance in view of the judgment of the Supreme Court in 'Sakri Vasu Vs. State of U.P and Others (AIR 2008 SC 907)'.

The petition is accordingly closed.

Justice N.Dhinakar,
Chairperson.