

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

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

Dated this the 23rd July, 2010.

H.R.M.P.No.129 of 2009

Petitioner : Sasikumar, S/o Chellappanpilla,
Kunjuvilakathu veed,
Kottambaru, Malayinkizh.

Respondents : 1) Stephen @ Kuttan, Pulluvilakath,
Poivilakam, Killi, Kulathammal village
2) Gracy, Pulluvilakathu veetil, do
3) Joy, do
4) Jayan @ Suresh, do
5) Biju @ Anilkumar, do
6) The Sub Inspector of Police, Malayinkizh

ORDER

The petition mentions that the petitioner obtained a court order against the respondents 1 to 5 who encroached the house of the petitioner and stayed there and the said order was executed through the Aameen of the Court on 27-11-2008. The complaint of the petitioner is that at 2.00 p.m. on 9-12-2008 the respondents 1 to 5 encroached his house and occupied a room and also caused nuisance to him with the support of R6.

In the report submitted by the Deputy Superintendent of Police, Nedumangad, it is stated that in respect of the property dispute between the parties the petitioner filed O.S.2/04 before the Munsiff Court-I, Neyyattinkara, which passed an order in favour of the petitioner and accordingly the Aameen of the Court executed the order on 27-11-2008 without informing the Police. It is further

stated in the report that on 9-12-2008 respondents 1 and 2 encroached the house and occupied a room again and hence the petitioner filed an Appeal before the Court in No.38/06 which is pending before the Court. According to the report, the respondents 1 and 2 were warned not to cause any nuisance to the petitioner and the parties were advised to obey the order of the Court and that the allegation against the 6th respondent Sub Inspector of Police, Malayinkizh is baseless. The report concludes by stating that since case is pending before the Court in the matter the Police could not take any action.

The averments in the complaint and the report show that the dispute between the parties is civil in nature and also subjudiced and hence this Commission cannot pass any further orders in view of Clause 17 (f) and (h) of the Kerala State Human Rights Commission (Procedure) regulations, 2001.

The petition is hence closed.

Justice N. Dhinakar,
Chairperson.