

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

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

Dated this the 14th October, 2009.

H.R.M.P.No.434/2009

Petitioner : . 1. Santha. P.,
Vellode Thodi ,
Kuramandal, Paravoor.P.O..
2. Chellappan. K. -do-
Respondent :. 1. Sugunan
2. Sindhu
3. Rajan.

ORDER

The complaint of the petitioners is that the respondents Sugunan, Sindhu and Rajan blocked the way by constructing a compound wall and the 2nd petitioner Chellappn was also assaulted on 1..12..2008. According to them no action was initiated even by the Revenue or Panchayat officials though complaints were given to the said authorities.

A report was called for from the Superintendent of Police (S.P.), Kollam, and the S.P. Kollam forwarded a report prepared by the Circle Inspector of Police, Paravur. In the report it is stated that the pathway used by the petitioners was encroached by R1-Sugunan by constructing a wall. On the complaint of the petitioners to Police and Revenue Officials, the Revenue authorities restored the way to the petitioners and Paravur Village Officer registered LC/3/09 dated 16.1.09 against the 1st respondent for encroaching purampoke land. It is also stated in the report that the petitioners were summoned to the Circle Inspector Office, Paravur, regarding the enquiry in the complaint made in the above HRMP

and the R1 was directed not to cause any hindrance in using the path way. The report also states that the petitioners refused to sign their statement and the statements written by the officer are annexed in the report.

The petitioners are present before me and they submit that no action was initiated in the said matter. They expressed their ignorance about the registration of LC/3/09 by the Village Officer and also submit that the way is also not restored to them as stated in the report. It is also their grievance that no proper enquiry was conducted with regard to the assault to the 2nd petitioner though the 2nd petitioner suffered serious injuries at the hands of the respondents for which he also took treatment in the Medical College Hospital, Thiruvananthapuram.

In view of the denial of the averments in the report I deem it necessary to direct the Revenue Divisional Officer, Kollam, to conduct an enquiry in respect of the encroachment of purampoke land by the respondents more so when in the report itself it is admitted that the 1st respondent encroached purampoke land and the Village Officer of Paravur registered LC/3/09 on 16.1.09. The Revenue Divisional Officer while conducting enquiry in the above subject matter will give sufficient opportunity by giving notice in advance to the parties concerned and thereafter during the enquiry he finds that a wall was put up by the respondents, blocking the pathway used by the petitioners, in the purampoke land strict action will be initiated as per law against those responsible for the said act.

As regards the allegation of assault on the 2nd petitioner in the report it is only stated that the 1st respondent was directed not to cause any hindrance to the petitioners in using the way and that the other allegations are not true. It looks that

the Circle Inspector of Police, Paravur, who conducted the enquiry did not conduct it properly and that he did not consider the injuries suffered by the 2nd petitioner. Copy of the discharge card issued by the Medical College Hospital shows that the 2nd petitioner Chellappan was admitted in the Medical College Hospital on 11.12.08 and discharged on 13.12.08 and he was treated in the Ortho Unit. The report does not indicate that the complaint of the petitioners regarding the complaint was entered in the register kept and maintained at the Police Station. If after enquiry the Police found that the allegations are not true then the Police Officer concerned ought to have informed the complainants in the matter so as to enable them to go to the Court for taking action. But no such course was adopted. On hearing the petitioners and on going through the copy of the discharge card issued by the Medical College Hospital, Thiruvananthapuram, I feel that a proper investigation is required on the complaint filed by the petitioners and therefore I direct the S.P., Kollam, to nominate an officer in the rank of a Deputy Superintendent of Police to investigate the said complaint and thereafter file a report before the court and also to inform the petitioners about the nature of the report filed in the Court.

The petition is closed with the above direction.

Justice N. Dhinakar,
Chairperson.