

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

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

Dated this the 27 th May, 2010.

H.R.M.P.No.504 of 2009

Petitioner : Mini Jolly,
Secretary,
Neerozhikkal – Kochuchira Peedithajana
Samrakshana samithi
Perayam, Mulavana.P..

Respondents : 1) Fr.Thomsoan, St.Kasmir Church, Kachavur,
Secretary, Merciful Love Charitable Society,
Nanthirikkal, Vellimon.P.O, Kollam.
2) Fr. Miguvel Thernero.

ORDER

The petition mentions that the respondents closed the way of the petitioner and others which was restored by the officials of the Police and the Panchayat on the complaint filed by the petitioner and others. The complaint of the petitioner is that on 16-4-2008 the second respondent and his henchmen assaulted the relatives of the petitioner and Kundara Police did not take any action and that on 10-11-2008 the respondents reduced the way from three meters to one and a half meters by encroaching it and the Police did not take any action.

In the report submitted by the Superintendent of Police, Kollam, it is stated that the respondents purchased property at Neerozhukkil area in the name of Merciful Love Charitable Society and thereafter started harassing the people. According to the report, the respondents prevented the way to the persons and on the complaint the Panchayat restored the way and also stopped the construction of a multi storied building by the respondents. In the report it is further stated that regarding the dispute of way a case is

pending before the Court and nobody prevented the way of the petitioner and others and they are using it freely.

Along with the report the statement of the petitioner is annexed where in the petitioner has stated that the way closed by the respondents was restored by the Panchayat authorities and the construction of the building by the respondents is also stayed by it and that the petitioner and others have no hindrance for their free passage on this way at present.

The averments in the complaint and the report show that the dispute between the parties is civil in nature and the report also shows that a case is pending before the Court in the matter and that the grievance of the petitioner and others was redressed by the Panchayat by restoring the way to them.

In the above circumstances, no further orders can be passed by this Commission in view of clause 17 (f) and (h) of the Kerala State Human Rights Commission (Procedure) Regulations, 2001 since the dispute is civil in nature and the matter is also subjudiced.

The petition is closed.

Justice N. Dhinakar,
Chairperson.