

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

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

Dated this the 2nd September, 2010.

H.R.M.P.No.777 of 2010

Petitioner : Mariyakutty, Vellappaniyil,
Vellikulam, Teekoy Panchayat
Meenachil Taluk, Kottayam District.

Respondent :

ORDER

The complaint of the petitioner is that in respect of a dispute regarding the ownership of a well and the land with the neighbour Jose she filed a petition before Teekoy Panchayat and a settlement was arrived between them but Jose is still using the well water and when she questioned he abused and tried to assault her and her son. According to her, no action was taken by Earattupetta Police on her complaint in the matter but she and her son were threatened by the Police.

Reports were called for from the Secretary, Teekoy Grama Panchayat and the Deputy Superintendent of Police, Pala.

In the report submitted by the Secretary, Teekoy Grama Panchayat it is stated that the petitioner is residing at Karikkad in House No.38 in Ward No.VI of the Panchayat and the disputed well is situated at Vellikulam in Ward No.VII of the Panchayat and the said land is in the name of Nambudakathu Jose Mathew and his wife Elizebeth Jose. According to the report, the documents are also verified and they show that the land where the well is situated belong to Jose Mathew and Elizebeth Jose and that the petitioner did not produce any records proving that the alleged well

belongs to her. It is further stated in the report that Jose Mathew has stated during the enquiry that nobody prevented the petitioner from collecting water from the said well.

The Superintendent of Police, Kottayam, forwarded the enquiry report prepared by the Circle Inspector of Police, Earattupetta to this Commission. In the said report the C I of Police has stated that he conducted the enquiry after visiting the spot and the verification of the records in respect of the property of Jose Mathew show that the well is situated in his land. According to the C I, Jose Mathew has stated that he never prevented the petitioner from collecting water from the well. In the report it is also stated that on 6-2-2010 the petitioner and her family members assaulted the wife of Jose Mathew when she went to lift water from the said well and the wife of Jose Mathew went for treatment at the hospital. Her statement was recorded by the ASI of Police and as it was a non cognizable offence it was entered as No.6/10 in the N/C register and thereafter the parties were summoned to the Police station and settled the dispute between them amicably.

In view of the above reports no further orders are required and if the petitioner has any dispute regarding the ownership of the land and well and also in respect of the action of the Police she has to approach the Court concerned for the redressal of her grievances in view of Clause 17 (f) of the Kerala State Human Rights Commission (Procedure) Regulations, 2001 and also 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 closed.

Justice N.Dhinakar,
Chairperson.