



2025:KER:85261

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 11TH DAY OF AUGUST 2025 / 20TH SRAVANA, 1947

WP(C) NO. 8754 OF 2025

PETITIONERS:

- 1 SIVASANKARAN @ SANKARANKUTTY,
AGED 63 YEARS,
S/O ACHYUTHAKURUPPU,
NANDIKKARA PANIKKAVEETIL (H) WEST NADA,
IRINJALAKUDA THRISSUR, PIN - 680121
- 2 SUKUMARY,
AGED 59 YEARS,
W/O SIVASAKARAN @ SANKARANKUTTY,
NANDIKKARA PANIKKAVEETIL (H) WEST NADA,
IRINJALAKUDA THRISSUR, PIN - 680121

BY ADVS.
SRI.V.M.KRISHNAKUMAR
SMT.P.R.REENA

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY SECRETARY,
DEPARTMENT OF HOME AFFAIRS,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE STATE POLICE CHIEF,
POLICE HEAD QUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM, PIN - 695014
- 3 SUPERINTENDENT OF POLICE (RURAL),
IRINJALAKUDA POLICE STATION KATTUNGACHIRA,
THRISSUR DISTRICT, PIN - 680125



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- 4 STATION HOUSE OFFICER,
IRINJALAKUDA POLICE STATION KATTUNGACHIRA,
THRISSUR - 680125
- 5 DEVAKI,
W/O LATE SANGAMESWARAN,
NANDIKKARA PANIKKAVEETIL (H)
PANIKKA VEETIL LANE, WEST NADA,
IRINJALAKUDA.P.O,
THRISSUR, PIN - 680121
- 6 GOPAKUMAR,
S/O LATE SANGAMESWARAN,
NANDIKKARA PANIKKAVEETIL (H)
PANIKKA VEETIL LANE, WEST NADA,
IRINJALAKUDA.P.O, THRISSUR, PIN - 680121
- 7 JAYASREE,
D/O LATE SANGAMESWARAN,
NANDIKKARA PANIKKAVEETIL (H)
PANIKKA VEETIL LANE, WEST NADA,
IRINJALAKUDA.P.O, THRISSUR, PIN - 680121

BY ADVS.
SRI.S.K.SAJU
SRI.SREEJITH CHEROTE
SRI.DHEERAJ A.S., GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 11.08.2025, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



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CR

N. NAGARESH, J.

.....
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Dated this the 11th day of August, 2025

J U D G M E N T

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Petitioners are husband and wife. The petitioners state that respondents 5 to 7 are persons residing in the neighbouring house of the petitioners. Respondents 5 to 7 have installed a CCTV Camera with light, on the north eastern side of their residential house. The Camera will result in snooping into the drawing cum dining and bedroom of the petitioners. The petitioners are residing in the house along with their daughter, daughter-in-law and a four year old



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child. The act of the respondents is in violation of the right to privacy guaranteed under Article 21 of the Constitution of India, contend the petitioners.

2. The house of the petitioners is situated within a compound where the 1st petitioner's brother late Sangameswaran has a residential house where is wife Devaki who is the 5th respondent and his children, who are respondents 5 and 6, are residing. Between the house of the petitioners and of the 1st petitioner's brother, there is a private pathway. The families are in inimical terms. The 5th respondent is threatening the petitioners stating that unless the petitioners ensure that a criminal case filed by one Sandhya against the 5th respondent is withdrawn, the petitioners will be harassed. Respondents 5 to 7 have installed CCTV Camera only to harass the petitioners. The petitioners submitted Ext.P3 complaint to the police authorities. No action has been taken. Hence, the



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petitioners are before this Court.

3. The 7th respondent has filed a counter affidavit. The 7th respondent submitted that the 5th respondent is a 80 year old senior citizen whose husband died four years back, residing alone in her house, and she has been a victim of offence of criminal intimidation, outraging modesty and attempt to commit rape punishable under Sections 354, 354A(1), 354B, 511 and 376 IPC at the hands of the 1st petitioner. The 1st petitioner, who is the brother-in-law of the 5th respondent, is the sole accused in the said crime registered on 12.09.2024 by the Irinjalakuda Police. The 1st petitioner is constantly threatening the 5th respondent by means of offensive gestures and sexually explicit remarks, voyeurism and publicly showing his private part standing in front of the house of the 5th respondent. It is in such a scenario that respondents 6 and 7 decided to install a CCTV Camera in front of the house of the 5th respondent



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only for the safety and security and peaceful living of the 5th respondent, who is alone in the house.

4. I have heard the learned counsel for the petitioners, the learned Government Pleader representing respondents 1 to 4 and the learned counsel appearing for respondents 5 to 7.

5. The petitioners are aggrieved by installation of CCTV Camera by respondents 5 to 7 in their house. The houses of the petitioners and of respondents 5 to 7 are nearby, but separated by a pathway. The petitioners submit that the Camera will snoop into the bedrooms of the petitioners. This Court has held in the judgment in ***Agnes Michael v. Cheranellore Grama Panchayat*** [2023 KHC OnLine 9014] that under the guise of installing CCTV surveillance Cameras, individuals should not be permitted to snoop into the affairs of their neighbours.



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6. Respondents 5 to 7 would submit that the 5th respondent is a victim of a grave criminal offence punishable under Sections 354, 354A(1), 354B, 511 and 376 IPC at the hands of the 1st petitioner. Ext.R7(a) is the FIR. The 1st petitioner is constantly threatening the 5th respondent. The CCTV Camera was installed for security.

7. The relief sought for by the petitioners are based on their right to privacy. Right to privacy can only be validly abridged if the test of proportionality is satisfied, as has been held by the Hon'ble Apex Court in the judgment in ***K.S. Puttaswamy (Retired) and another v. Union of India and another*** [(2019) 1 SCC 1]. The "intrinsic value" of every person is that every person has a special objective value, which value is not only important to that person alone but success or failure of the lives of every person is important to all of us. It can also be described as self respect which represents the "autonomy of the person". Human dignity as



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community value relates to the social dimension of dignity. An individual lives within himself, within a community and within a State and his personal autonomy is constrained by the values, rights and morals of people who are just as free and as equal as him. Right to privacy of one and the right to security which is an element of right to life of another, are to be balanced delicately when they are in conflict with each other.

8. It is true that the petitioners have right to privacy and unnecessary snooping into the personal affairs of the petitioners cannot be justified. At the same time, the 5th respondent is a 80 year old lady and who has been victim of the sexual offence. As far as respondents 5 to 7 are concerned, they have a right to life, a safe and secure life. It is to protect their safety and security that the CCTV Cameras are installed. In the circumstances, unless there is an established case of snooping into the affairs of the



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petitioners, there cannot be a direction to respondents 5 to 7 to remove the CCTV Cameras.

The writ petition fails and it is hence dismissed.

Sd/-
N. NAGARESH, JUDGE

aks/10.11.2025



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APPENDIX OF WP(C) 8754/2025

PETITIONERS' EXHIBITS:

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| Exhibit P1 | TRUE COPY OF THE JUDGMENT REPORTED IN
AGNES MICHALE VS CHERANELLOOR GRAMA
PANCHAYAT (2023 KHC ONLINE 9014) |
| Exhibit P2 | PHOTOGRAPHS OF THE CAMERA AND THE
CAMERA LIGHT INSTALLED, TAKEN FROM THE
PETITIONERS DINING ROOM AND BEDROOM |
| Exhibit P3 | TRUE COPY OF THE REPRESENTATION FILED
BY THE PETITIONERS TO THE RESPONDENTS
2 TO 4 DATED 23.02.2025 |

RESPONDENTS' EXHIBITS:

- | | |
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| Exhibit R7(b) | A true copy of the order dated
13.11.2024 in BA No. 8430/2024 passed
by the Hon'ble High court. |
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