

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 1195 of 2015 (Y)

PETITIONER(S) :

MUSTAFA AGED 43 YEARS
S/O.IMBICHALI, ALLIPATTIL VEETIL, KAKKAD AMSOM
KARASSERRY DESOM, KOZHIKODE TALUK,
KOZHIKODE-673602.

BY ADVS.SRI.A.RANJITH NARAYANAN
SMT.A.SIMI
SRI.S.K.SAJU

RESPONDENT(S) :

1. THE SUB INSPECTOR OF POLICE
THIRUVAMBADY POLICE STATION, THIRUVAMBADY
KOZHIKODE-673001.

2. THE CIRCLE INSPECTOR OF POLICE
THAMARASSERY, KOZHIKODE-673001.

3. THE DEPUTY SUPERINTENDENT OF POLICE
THAMARASSERY, KOZHIKODE RURAL, KOZHIKODE-673001.

4. AHMED KUTTY
S/O.MUHAMMED, PARAKKAKKODY, ANAKKALOOPARA
KOOMBARA BAZAR, KOZHIKODE-673602.

5. FAIZAL P.V.
S/O.ALAVI, PICHAM VEETIL, ANAKKALOOPARA
KOOMBARA BAZAR, KOZHIKODE-673602.

6. RAFEEQUE.V
S/O.MOOSA, VADAKKETHIL HOUSE, ANAKKALOOPARA
KOOMBARA BAZAR, KOZHIKODE-673602.

BY STATE ATTORNEY SRI. P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 13-01-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C).No. 1195 of 2015 (Y)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE AGREEMENT DATED
26/09/2014.

EXHIBIT-P2:TRUE COPY OF COMPLAINT DATED
23/12/2014.

EXHIBIT-P3: TRUE COPY OF THE RECEIPT NO.089
DATED 23/12/2014 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT-P4: TRUE COPY OF THE ACKNOWLEDGEMENT
FOR RECEIPT OF PETITION NO.176034/2014 DATED
24/12/2014 ISSUED BY THE 2ND RESPONDENT.

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

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W.P. C. No. 1195 of 2015 – Y
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Dated this the 13th day of January, 2015

JUDGMENT

Shaffique, J.

Petitioner has approached this Court seeking police protection. According to him he is a person doing transportation work and has entered into a contract with the Managing Partner of a firm named Indian Black Stone for carriage of articles belonging to the said firm. He has his own vehicles and when the vehicles were plying, certain persons in the locality namely; respondents 4 to 6 and their men has obstructed the movement of the vehicle and has also threatened the petitioner that his vehicles will be

damaged if the vehicles are plying through the said road. Though complaint was given to respondents 1 to 3, no action has been taken in the above matter and hence, the petitioner has approached this Court.

2. The learned State Attorney, on instructions, submitted that on receipt of Ext. P2 complaint, parties were summoned to the Police Station and it was found that the vehicles were being plied in a rash and negligent manner which was causing disturbance and nuisance to the public at large, especially to the nearby school. Therefore, a settlement has been arrived at between the parties that the plying of vehicles will be regulated during school hours.

3. In the said circumstances, the learned State Attorney submits that there is no law and order situation prevailing in that area at present. It is not in dispute that the petitioner is entitled to ply his vehicle in a public road. If there is any illegal obstruction,

it is for the police to ensure that law and order situation is maintained. Having regard to the fact that Ext.P2 has been enquired into and appropriate action has been taken in the matter, we do not think that any further direction is necessary in this Writ Petition. We only direct the police to ensure that law and order situation is maintained.

With the above observation, this Writ petition is closed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFFIQUE,
JUDGE

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P.S.to Judge