

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**

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 2322 of 2015 (M)

PETITIONER(S):

**NAZAR, AGED 45 YEARS
S/O.MOHAMMED ILLIYAS, THITTAYIL VEEDU, MADANVILLA
AZHOOR VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.LIJU. M.P

RESPONDENT(S):

- 1. THE SUPERINTENDENT OF POLICE
THIRUVANANTHAPURAM RURAL, THIRUVANANTHAPURAM-600001.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF DY.S.P., ATTINGAL,
THIRUVANANTHAPURAM DISTRICT-695601..**
- 3. THE SUB INSPECTOR OF POLICE,
KADINAMKULAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT-695609.**
- 4. ABDUL RASHEED,
S/O.MUHAMMED UMMERE, THITTAYIL VEEDU, MADAN VILLA-695102.**
- 5. ABDUL SALAM,
S/O.MUHAMMED UMMERE, THITTAYIL VEEDU, MADAN VILLA-695102.**
- 6. NAJEEB,
S/O.MUHAMMED UMMERE, THITTAYIL VEEDU, MADAN VILLA-695102.**
- 7. NIZZA BEEVI,
W/O.ABDUL RASHEED, THITTAYIL VEEDU, MADAN VILLA-695102.**
- 8. THE AZHUR GRAMA PANCHAYAT,
PANCHAYAT OFFICE, AZHUR, THIRUVANANTHAPURAM
REP. BY ITS SECRETARY-695102.**

R1-3 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY FROM THE AZHUR VILLAGE DATED 1/9/2014.
- P2: TRUE COPY OF THE LOCATION SKETCH.
- P3: TRUE COPY OF THE CERTIFICATE DATED 19/01/2015 ISSUED BY THE 8TH RESPONDENT
- P3(A): TRUE ENGLISH TRANSLATION OF EXT.P3
- P4: TRUE COPY OF THE INTERIM INJUNCTION APPLICATION, VIZ. I.A NO.18/15 IN OS.NO.3/15 ON THE FILE OF MUNSIF'S COURT, ATTINGAL.
- P4(A): TRUE ENGLISH TRANSLATION OF EXT.P4
- P5: TRUE COPY OF THE ORDER DATED NIL ISSUED IN I.A NO.OS NO.3/15 ON THE FILE OF MUNSIF'S COURT, ATTINGAL.
- P6: TRUE COPY OF THE COMPLAINT DATED 17/1/2015 SUBMITTED TO THE 2ND RESPONDENT.
- P6(A): TRUE ENGLISH TRANSLATION OF EXT.P6.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

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

W.P.C.No.2322 of 2015

Dated this the 22nd day of January 2015

J U D G M E N T

Shaffique,J

Petitioner has approached this Court complaining harassment by the police. According to him, in a civil suit pending as O.S.No.3/2014, there is an order of status quo. Petitioner submits that when he was attempting to make construction in his property which is not covered by the status quo order, police had interfered. He had filed a complaint Ext.P6 to the Deputy Superintendent of Police complaining about the interference by the local police authorities. Since no action had been taken in the matter and the police are unnecessarily interfering with the construction made by the petitioner, this *writ petition* is filed.

2. Admittedly, a civil suit is pending as O.S.No.3/2015 before the Munsiff Court, Attingal and an order of status quo

has been issued. Even according to the petitioner, as evident from Ext.P6, police had interfered on the basis of a complaint alleging that the petitioner is violating the order of injunction. If the petitioner has a case that A schedule property is not covered by the order of status quo, it is for him to approach the Civil Court and obtain appropriate orders. Even in respect of interference by the police in civil issues, it is always open for the petitioner to seek necessary clarification from the Civil Court. Under these circumstances, it is not possible for this Court to interfere at this stage and issue any direction.

Accordingly, this *writ petition* is dismissed.

(sd/-)

**(ASHOK BHUSHAN,
ACTING CHIEF JUSTICE)**

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

