

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 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 4318 of 2015 (L)

PETITIONER(S) :-

SALAHUDEEN.K AGED 58 YEARS
S/O.KOYAKUTTY, KOTTOORPOIKA VEEDU, ELAMPALLOOR
KUNDARA P.O., KOLLAM DISTRICT.

BY ADV. SRI.JOSEPH SEBASTIAN (KOLLAM)

RESPONDENT(S) :-

1. SUPERINTENDENT OF POLICE (RURAL)
KOTTARAKKARA, RURAL S.P. OFFICE, KOTTARAKKARA
KOLLAM DISTRICT - 691 533.
2. SUB-INSPECTOR OF POLICE, KUNDARA POLICE STATION
KOLLAM DISTRICT - 691 501.
3. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.

BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1- TRUE COPY OF THE COMPLAINT LODGED BY PETITIONER BEFORE THE 1ST RESPONDENT, THE SUPERINTENDENT OF POLICE, RURAL, KOTTARAKKARA DATED 24.12.2014 ALONG WITH ENGLISH TRANSLATION.

EXT.P2- TRUE COPY OF THE RENEWED LICENCE ISSUED BY THE PERINAD GRAMA PANCHAYAT DATED 13.10.14.

EXT.P3- TRUE COPY OF THE REGISTRATION CERTIFICATE UNDER FSS ACT, 2006 ISSUED TO THE PETITIONER.

EXT.P4- TRUE COPY OF THE PROFESSIONAL TAX REMITTANCE (TRADE) RECEIPT.

EXT.P5- TRUE COPY OF THE JUDGMENT DATED 5.9.2005 PASSED IN WP(C) NO. 25904/05 OF THIS HON'BLE COURT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.4318 of 2015

Dated this the 19th day of February 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard the learned counsel for the petitioner and the learned Government Pleader.

2. By this writ petition, the petitioner prays for a direction to the 2nd respondent not to harass the petitioner and not to cause any disturbance in the functioning of the licensed tea shop. This writ petition has been filed alleging police harassment in running the licensed tea shop. Petitioner's case is that he is permitted to run the tea shop from 5 p.m. till 12.30 night as per the directions issued by this Court in Ext.P5 judgment and that because of the routine visit of the 2nd respondent to his tea shop would incur much financial loss and mental trouble to the petitioner since the presence of the police personnel would prevent the customers from visiting the tea shop.

3. Learned Government Pleader after obtaining instructions would submit that since the shop is functioning after midnight, the police is extra cautious to keep a vigil on the shop

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and the visits to the shop by the police is only for the purpose of keeping vigil and no crime is yet registered against the petitioner by the police.

4. From the facts as noted above, we are of the view that the present is not a case of any police harassment. When the shop is permitted to run in the night, the police authorities have to be extra careful and their visits to the shop is only to keep vigil on the shop and it cannot be said to be any harassment. We are not satisfied that present is a case of any police harassment or any direction need be issued in this writ petition.

Recording the submission of the learned Government Pleader, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE