

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**

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 4760 of 2015 (T)

PETITIONERS:

- 1. BENNY AGED 42 YEARS
S/O.DEVASSY, PONMUNASSERY HOUSE, CHENGALLUR P.O.
TRICHUR**
- 2. BIJU, AGED 37 YEARS,
S/O.DEVAASSY AMBAZHAKKADAN HOUSE, NANDIPULAM VILLAGE
MUKUNDAPURAM TALUK, THRISSUR**

BY ADV. SRI.P.K.ANIL

RESPONDENTS:

- 1. PRAVEEN
S/O.JAMES, THOTTIYAN HOUSE, CHENGALLUR P.O.
TRICHUR 680312**
- 2. THE SUB INSPECTOR OF POLICE,
PUTHUKKAD POLICE STATION THRISSUR 680014**
- 3. THE CIRCLE INSPECTOR OF POLICE
PUTHUKKAD POLICE STATION, THRISSUR 680014**
- 4. THE SUPERINTENDENT OF POLICE
RURAL, TRICHUR 680001**
- 5. STATE OF KERALA
REP. BY CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM 695001**

BY SENIOR GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : TRUE COPY OF THE PLAINT IN OS.1398/2013 ON THE FILE OF THE
ADDITIONAL MUNSIFF COURT, IRINJALAKKUDA**

P1(A) : TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P1

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

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

W.P.(C) No. 4760 of 2015

Dated this the 20th day of February, 2015

J U D G M E N T

Ashok Bhushan, Ag.C.J.

Heard the learned counsel appearing for the petitioners and the learned Government Pleader.

2. This Writ Petition has been filed alleging police harassment, seeking a direction to respondents 2 and 3 not to interfere in the peaceful life of the petitioners, enjoyment of the property and not to interfere in the civil suit pending as O.S. No.1398/2013. Petitioners claim to have purchased the property from one Paul and Sojan, whose civil suit being O.S. No.1398/2013 is pending, where the issue is regarding the easementary right.

3. In paragraph 2 of the petition it is stated that the 1st petitioner was taken into custody and he was forced to

stand at the Police Station for hours and the 1st respondent and his employees had constructed a huge pond in the 'C' schedule property. Petitioners further allege that the 2nd petitioner was also summoned to the Police Station on various occasion without any reason.

4. The learned Government Pleader, after obtaining instruction, submits that on a complaint submitted by the 1st respondent, Crime No.145/2015 was registered against the petitioners and both the petitioners were also arrested, who were subsequently released on bail. He further submits that the petitioners in the Writ Petition have not made any reference of the Crime registered against them or that they have been granted bail.

5. In the facts of the present case, where the petitioners were arrested in pursuance of a crime registered, we do not find any case of police harassment. Insofar as the rights of the parties regarding property are concerned, it

shall be open of the parties to take such steps as may be permissible under law.

With the above observation, this Writ Petition is closed.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

jjj