

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

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No. 4956 of 2015 (T)

PETITIONER :

SUDHAKARAN, AGED 45 YEARS,
S/O.RAMAN KUTTY, PUTHUVIL HOUSE,
CHENGOTOOR P.O., MANNAZHI,
KOTTAKKAL, MALAPPURAM DISTRICT,
PIN - 676 503.

BY ADV. SRI.K.DILIP

RESPONDENTS :

1. THE STATE OF KERALA, REP. BY THE SECRETARY
TO GOVERNMENT, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE SUB INSPECTOR OF POLICE,
KOTTAKKAL - 676 503.

BY SR. GOVERNMENT PLEADER, SRI.C.R. SYAM KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE ROUGH SKETCH SHOWING ACTUAL LIE OF THE
PROPERTY DATED NIL.

EXT.P2 : TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
DATED NIL

EXT.P3 : TRUE COPY OF THE NOTICE ISSUED TO THE PETITIONER BY THE TALUK
SURVEYOR, TIRUR DATED 20.12.2014.

EXT.P4 : TRUE COPY OF THE PLAN SUBMITTED BY THE ADDITIONAL TALUK
SURVEYOR DATED 29.12.2014.

RESPONDENTS' EXHIBITS:

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 4956 OF 2015

Dated this the 16th day of February, 2015

JUDGMENT

Shaffique, J.

The petitioner has filed this writ petition alleging harassment by police. It is *inter alia* contended that there is a burial ground near the property of the petitioner and there is some dispute with reference to the pathway leading to the burial ground. Though the dispute is of civil nature, police is unnecessarily interfering and threatening the petitioner and forcing him to execute an agreement with the persons who are managing the burial ground.

2. The averments in the writ petition do not disclose a case of police harassment. Apparently police has involved in the matter to avoid any law and order situation, as the dispute is with reference to usage of a pathway to reach the burial ground and the people in the locality might be interested in the same.

3. If the petitioner has any grievance with reference to the interference by the local public, in regard to the use of

pathway, his remedy is to approach the civil court and obtain appropriate orders. Of course, police cannot interfere in civil matters, but police has to interfere if there is any law and order situation. Under such circumstances, we are of the opinion that this is not a case of police harassment. Petitioner has to approach civil court and obtain appropriate orders.

With the above observation, the Writ Petition is dismissed.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**