

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

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 6888 of 2015 (I)

PETITIONER(S) :

RAJENDRAN, AGED 47 YEARS, S/O. CHELLAPPAN,
SRUTHI NILAYAM, PALACKAL, THEVALAKKARA,
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT

BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

RESPONDENT(S) :

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY,
HOME DEPARTMENT, THIRUVANANTHAPURAM - 691 001
2. THE SUB INSPECTOR OF POLICE, KARUNAGAPPALLY
POLICE STATION, KARUNAGAPPALLY,
KOLLAM PIN - 690 514
3. SALIMON P.V. , AGED 41 YEARS, S/O. BENNEY,
PUTHENPARAMBU, PURAKKAD, P.O. AMBALAPPUZHA,
ALAPPUZHA DISTRICT- PIN - 685 561

BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 04-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C).No. 6888 of 2015 (I)

APPENDIX

PETITIONER'S EXTs:

EXT.P1: TRUE COPY OF THE TAX RECEIPT
ISSUED BY THE VILLAGE OFFICER,
KARUNAGAPPALLY

EXT.P1 (A): THE ENGLISH TRANSLATION
OF EXT. P1

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

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W.P. C. No. 6888 of 2015 – I
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Dated this the 4th day of March, 2015

JUDGMENT

Shaffique, J.

Petitioner has approached this Court alleging harassment by the police. According to him, he is the absolute owner in possession of an extent of 4.05 Ares of property in Re-Survey No. 362 of Karunagappally Village in Kottayam Taluk. He purchased the property from the 3rd respondent as per sale deed No. 2048 of 2014 of SRO, Karunagappally, who had some financial liability, and for that purpose, he was summoned to the police station on 28-1-2015 at 10.30 a.m. and detained him in the police Station till 5 p.m. He was also threatened that he would be implicated in non bailable offences, if he does not settle the liabilities of the 3rd respondent.

2. According to the petitioner, he is a bonafide purchaser

of the said property and, therefore, the police cannot call upon him to settle the liability of the 3rd respondent.

3. The learned State Attorney, on instructions, submitted that the 3rd respondent along with one Prasannan was conducting chitty business. They have collected large amounts from the people in that locality. Petitioner is a close relative of Prasannan. After having purchased the property with the amounts collected from the public, the 3rd respondent had transferred the property in the name of the petitioner. The 3rd respondent as well as Prasannan was summoned to the police station on an earlier date and the involvement of the petitioner was later known. The petitioner was summoned to the police station on 5-3-2015 to enquire into Crime No. 981 of 2014 of Thekkumbhagom Police Station. The petitioner was not summoned on 28-1-2015, as alleged.

4. Having regard to the aforesaid submission made by the

State Attorney, we do not think that it is a case of police harassment. If the petitioner is a bonafide purchaser of the property, he can approach the police and give a statement in that regard. Accordingly, we do not think that orders as prayed for can be passed in this Writ Petition. Petitioner has to appear and give necessary statements during the investigation of the aforesaid crime.

With the above observation, this Writ Petition is closed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/-A.M.SHAFIQUE,
JUDGE

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P.S.toJudge