

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 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 7058 of 2015 (F)

PETITIONER(S) :

SAJEEV.S.K., AGED 54 YEARS,
S/O. KARUNAKARAN, FLAT NO. 8B,
JM PARADISE, PALARIVATTOM, COCHIN 25

BY ADVS.SRI.P.SANJAY
SMT.A.PARVATHI MENON

RESPONDENT(S) :

1. THE COMMISSIONER OF POLICE, KOTTAYAM
2. THE SUPERINTENDENT OF POLICE, KOTTAYAM
3. THE S.I. OF POLICE, ETTUMANOOR POLICE STATION,
ETTUMANOOR, KOTTAYAM
4. JOY CHEMMACHEL, JYES FARMS,
ONAMTHURUTHU VILLAGE, NEENDUR, KOTTAYAM
DISTRICT
5. JOSE KUDILIL, PRESIDENT, NEENDUR PANCHAYATH
ONAMTHURUTHU VILLAGE, NEENDUR, KOTTAYAM
DISTRICT
6. THOMAS KOTTOOR, FORMER PRESIDENT AND MEMBNER,
NEENDUR PANCHAYATH
ONAMTHURUTHU VILLAGE, NEENDUR, KOTTAYAM
DISTRICT
7. P.K. VIJAYAN, S/O. THATTAN KRISHNAN,
PARICHAKARI PADASHEKHARAM,
VALLAPPILLI HOUSE, NEENDOOR, ONAMTHURUTHU
VILLAGE, NEENDUR, KOTTAYAM DISTRICT

8. THOMASKUTTY JOSEPH, S/O. JOSEPH,
NALPATHIL HOUSE,
NEAR PERUNNA SUBTAMANIAM TEMPLE,
CHANGANACHERRY
9. M. MURALI, MEMBER,
NEENDUR PANCHAYATH,
ONAMTHURUTHU VILLAGE,
NEENDUR, KOTTAYAM DISTRICT

BY GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 05-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE JUDGMENT IN W.P.C.
2622/2015 DATED 27-01-2015

EXT.P2: TRUE COPY OF THE REPRESENTATION MADE
BY THE PETITIONER DATED 4-2-2015

EXT.P3: TRUE COPY OF THE APPLICATION MADE BY
THE PETITIONER DATED 12-11-2013

EXT.P3(A): TRUE COPY OF THE APPLICATION MADE
BY THE PETITIONER DATED 12-1-2015

EXT.P3B: TRUE COPY OF THE APPLICATION MADE BY
THE PETITIONER DATED 24-2-2015

EXT.P3 C: TRUE COPY OF THE APPLICATION MADE BY
THE PETITIONER DATED 24-2-2015

EXT.P3D: TRUE COPY OF THE APPLICATION MADE BY
THE PETITIONER DATED 24-2-2015

EXT. P4: TRUE COPY OF THE COMPLAINT MADE BY
THE PETITIONER

EXT.P5: TRUE COPY OF THE RECEIPT NO.
2279/2015 DATED 6-1-2015

EXT.P6: TRUE COPY OF THE REPRESENTATION 24-2-
2015 WITH PHOTOGRAPH

EXT.P7: TRUE COPY OF THE REPRESENTATION DATED
NIL

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

.....
W.P.(C) No. 7058 of 2015 – F
.....

Dated this the 5th March 2015

JUDGMENT

Shaffique, J.

Petitioner has approached this Court alleging police harassment and also seeking police protection. It is, inter alia, contended that at the instance of private respondents, police is unnecessarily summoning the petitioner to the police station . It is also contended that the petitioner had given certain complaints against the 4th respondent which resulted in the harassment being meted out by private respondents as well as the police against the petitioner. He had represented before the District

Collector, which is pending consideration.

2. Learned Government Pleader, on instructions, submitted that a crime has been registered against the petitioner. This was on account of the fact that the petitioner had made certain constructions in his property having an extent of 70 cents whereby a bund which is part of the padasekharam was closed. The Panchayath authorities namely; respondents 5 and 6 had called upon the petitioner for an enquiry and he did not turn up nor did he offer any explanation. No steps were also taken to rectify the damage caused. Accordingly, on the basis of the complaint given by the Panchayath Authorities, crime has been registered.

Having regard to the aforesaid factual situation, we do not think that this is a case involving harassment by the police. Police is only investigating a Crime at the instance of the Panchayath Authorities. In such circumstances, we are of the

view that no orders could be passed as prayed for in this Writ Petition. Accordingly, this Writ Petition is dismissed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFFIQUE,
JUDGE

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/thru copy/

P.S.to Judge