

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 7620 of 2015 (B)

PETITIONER(S):

**PRAHALADHAN K., AGED 50 YEARS,
S/O.MEENAKSHI, KARIMBUMKARA HOUSE, ARAYAMPETHU,
CHIRAKKAL PANAMKAVU, KANNUR TALUK.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
KANNUR DISTRICT, COLLECTORATE, KANNUR - 670 001.**
- 2. DISTRICT POLICE CHIEF,
KANNUR DISTRICT - 670 001.**
- 3. REVENUE DIVISIONAL OFFICER,
THALASSERY, KANNUR - 670 101.**
- 4. SUB INSPECTOR OF POLICE,
VALAPATTANAM POLICE STATION, KANNUR - 670 010.**

BY GOVERNMENT PLEADER SRI.ABDUL SALAM

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 7620 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT. P1: THE TRUE COPY OF THE INFORMATION DATED 17/9/2013 ISSUED BY THE
3RD RESPONDENT TO THE PETITIONER.**

**EXT. P2: THE TRUE COPY OF THE NOTICE DATED 27/3/14 SEND BY THE
PETITIONER'S LAWYER TO THE 4TH RESPONDENT.**

**EXT. P3: THE TRUE COPY OF THE NOTICE DATED 4/8/14 ISSUED BY THE 4TH
RESPONDENT TO THE PETITIONER.**

**EXT. P4: THE TRUE COPY OF THE JUDGMENT DATED 20/1/2004 IN CC NO.95/2001 OF
THE JFCM - II KANNUR.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

P.R.RAMACHANDRA MENON, J.
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W.P.(C) No.7620 of 2015
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Dated this the 27th day of March, 2015

JUDGMENT

The petitioner is stated as aggrieved of the inaction on the part of the concerned respondent in acceding to the request made by the petitioner to remove his name from the rowdy list maintained by the police. The petitioner is arrayed as an accused in C.C Nos.506/89, 403/90, 432/90, 733/90, 368/90 and 95/2001 on the file of the JFCM - II, Kannur, It is stated that all these cases are in relation to civil disputes with the relatives, who are the de facto complainants. The first case was registered in the year 1989 and the last one in the year 2001 and thereafter, there was no occasion to have registered any case against the petitioner. It is in the said circumstance, that the petitioner has sought for necessary relief, which was turned down vide Ext.P3, which made the petitioner to approach this Court by filing the writ petition.

2. The learned Government Pleader appearing for the respondent submits that the version of the petitioner that the cause of action is in respect of a civil dispute is not at all correct and actual position is discernible from Ext.P1 itself. It is also

pointed out that the petitioner, as per the relevant provisions of the Police Manual, ought to have approached the competent authority and instead of doing so, he simply caused to issue a lawyer's notice as Ext.P2 to the Sub Inspector of Police of the Valapattanam Police Station, which was duly replied vide Ext.P3 dated 04.08.2014. The learned Government Pleader also points out that, recently, some abkari offence was also registered against the petitioner. A statement has been filed by the 4th respondent pointing out the facts and figures; paragraph 4 of which reads as follows:

"4. It is submitted that as per the provisions of the Kerala Police Manual, there is provision for closing the history sheet of rowdies which is maintained by the Police in the Police Station concerned. The petitioner herein has remedy to approach the Superintendent of Police concerned requesting to close the rowdy list. As per Section 259(VIII) of the Kerala Police Manual, an aggrieved person can approach before the Superintendent of Police based on the recommendation of the Circle Inspector of Police routed through the Deputy Superintendent of Police (District Police Chief)/ Assistant Superintendent of Police. The Circle Inspector of Police will check the list with the rowdy history sheets in the respective Police Station within half an year. After receiving the

request of the party and recommendations from the Circle Inspector of Police concerned, the Sub Divisional Officer (DYSP) and Superintendent of Police will scrutinize the history sheet and issue suitable orders regarding closure retention during their station inspection. The petitioner herein has not invoked the remedy available in the provisions of the Kerala Police Manual for closing and removing from the list and approach before this Court. The petitioner has not made out in the Writ Petition that the authorities under the provisions of the Kerala Police Manual exceed its powers or arbitrarily exercise its powers conferred upon them. The relevant portion of the Kerala Police Manual under Section 260(7) is extracted as follows:

"Sub Divisional Officers and Superintendent of Police should scrutinize the history sheets and issue suitable orders regarding closure retention etc., during their station inspection. History sheets kept open unnecessarily, will defeat the main purpose of watching only active or suspicious criminals."

As per the relevant provision the Superintendent of Police has power to issue order the closure of history sheet at any time but the Sub Divisional Officer (Dy.SP) may only do so on the expiry of the periods named above. It is stated that the petitioner is known to have recently involved in Abkari cases registered by the Excise authority. Moreover, even the neighbours have no access to his residential premises. On local inspection it is

understood that people have fear to approach the petitioner. Hence the petitioner is required to be closely observed for some more period. Thus the history sheet which has been opened by the 4th respondent Police Station is to be retained for a period of one year. Hence the Writ Petition is not maintainable in the facts and circumstances of the case. The party have sufficient statutory remedy to redress his grievances as alleged in the above Writ Petition. The allegation of the petitioner that he has been facing the insult of including his name in the rowdy list is baseless and exaggerated and hence denied. In the Writ Petition, it is averred that the petitioner has no other efficacious or alternate remedy to redress his grievances but to approach this Honourable Court under Section 226 of the Constitution of India, is not correct and hence denied. On the contrary to any other contentions is unsustainable and untenable. The writ petitioner is not entitled to get any relief as sought for in the above Writ Petition, since the petitioner has adequate/suitable remedy provided in the statute."

3. After hearing both the sides, this Court finds that the petitioner could be set at liberty to move the 2nd respondent by filing an application for redressal of the grievance. On filing an application in this regard within two weeks from the date of receipt of a copy of this judgment, the same shall be considered and appropriate orders shall be passed by the 2nd respondent in

accordance with law at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly. The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the concerned respondent for further steps.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

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