

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 10968 of 2015 (U)

PETITIONER(S):

K.SHUKKUR AGED 49 YEARS,
S/O.EESA, AACHI MANZIL,
VALAPATANAM P.O, KANNUR.

BY ADV. SRI.I.V.PRAMOD

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM – 695 001.
2. DISTRICT POLICE CHIEF,
KERALA POLICE, KANNUR DISTRICT,
COLLECTORATE P.O, KANNUR – 670001.
3. DEPUTY SUPERINTENDENT OF POLICE,
COLLECTORATE P.O, KANNUR – 670001.
4. CIRCLE INSPECTOR OF POLICE,
VALAPATTANAM CIRCLE,
P.O, VALAPATTANAM, KANNUR DISTRICT – 670010.
5. SUB INSEPCTOR OF POLICE,
VALAPATTANAM POLICE STATION,
KANNUR DISTRICT – 670010.
6. VALAPATTANAM SERVICE CO-OPERATIVE BANK LTD,
VALAPATTANAM P.O, KANNUR DISTRICT – 670009,
REPRESENTED BY ITS SECRETARY.

BY R1-R6 BY GOVERNMENT PLEADER SMT.SAREENA GEORGE.P

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 10968 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE REGISTERED DEED OF THE PROPERTY IN RE.SY
NO.78/8 AND 77/3 OF AROLI VILLAGE

EXT.P2: TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 27.3.2015
ISSUED BY THE 6TH RESPONDENT

EXT.P3: TRUE COPY OF STATEMENT WITH MEMO DATED 20/11/2014

RESPONDENTS EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**W.P (C) No. 10968 of 2015**  
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Dated this the 8th April, 2015

J U D G M E N T

The writ petitioner herein had availed a loan from the main branch of the Valapattanam Service Co-operative Bank in the name of his daughter. In the said loan transaction, his title documents were produced in the Bank. The writ petitioner claims that the entire loan amount stands discharged, but he failed to take back the documents in time. Thus the documents continued in the files of the bank. In a crime against some of the bank officials alleging forgery, cheating and misappropriation, some documents were seized by the Valapattanam Police (Crime No.1015/2013) Those documents included the petitioner's title deed also. He approached the police with request to return the documents which happened to be seized in the other crime quite unnecessarily. But his request was declined. Now the petitioner seeks a direction to the police by way of writ of mandamus, to return his title deeds. No doubt, he has right to claim his documents back

as part of his right to possess and enjoy the property. The documents are now in police custody as authorised by the court. Admittedly, the petitioner's daughter is not involved as accused in the other crime registered by the Valapattanam Police. The petitioner's title deed happened to be seized by the police along with the other documents seized in Crime No.1015 of 2013. The petitioner's documents will have to be returned. He is not involved as accused and his document also is not involved in the transaction of forgery or cheating committed by the bank employees. I find that the petitioner is entitled to get back his documents from the police. However, he will have to produce a certified copy of the document for investigation purposes, if at all required. In case the police wants to make comparison of signature and handwriting, the petitioner can be required by notice to produce the original.

In the result, this petition is allowed. Instead of granting the prayer as sought for, I find that a direction to the police will suffice, that the petitioner's title documents which happened to be seized in Crime No.1015/2013 of the

Valapattanam Police shall be returned to the petitioner on his producing certified copy of the documents. If, at any stage of the investigation, the original documents are felt necessary by the police, the petitioner can be required by notice to produce the original for comparison or other purposes.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge