

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE
&
THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

WP(C).No. 13342 of 2015 (P)

PETITIONER(S) :

- 1. K.B.SARASAN, AGED 63 YEARS,
S/O.BHARGAVA PANICKER, KUMARAMANGALAM, AZHEEKAL P.O.,
ALAPPAD VILLAGE, KARUNAGAPPALLY TALUK,
KOLLAM DISTRICT, PIN- 690 547.**
- 2. SAJIN K.S., AGED 25 YEARS,
S/O.K.B.SARASSAN, KUMARAMANGALAM, AZHEEKAL P.O.,
ALAPPAD VILLAGE, KARUNAGAPPALLY TALUK,
KOLLAM DISTRICT, PIN- 690 547.**

**BY ADVS.SRI.N.P.PRAJEESH
SRI.BIJO THOMAS GEORGE**

RESPONDENT(S) :

- 1. THE SUB INSPECTOR OF POLICE,
OCHIRA POLICE STATION, KOLLAM DISTRICT, PIN-690 546.**
- 2. THE CIRCLE INSPECTOR OF POLICE (INSPECTOR OF POLICE),
KARUNAGAPPALLY , KOLLAM DISTRICT, PIN- 690 518.**
- 3. THE SUPERINTENDENT OF POLICE (DISTRICT POLICE CHIEF),
KOLLAM RURAL , KOLLAM, PIN- 691 013.**
- 4. SANAL, AGED ABOUT 40 YEARS,
S/O.LATE MANIKYAM, CIVIL POLICE OFFICER,
KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT, PIN- 690 502,**
- 5. MAHENDRAN, AGED ABOUT 40 YEARS,
S/O.RAMANCHANDRAN, PUTHUPARAMBIL, AZHEEKAL P.O.,
KOLLAM DISTRICT, PIN-690 547.**
- 6. SARASWTHI, AGED ABOUT 65 YEARS,
W/O.MANIKYAM SANAL BHAVANAM, AZHEEKAL P.O.,
KOLLAM DISTRICT, PIN- 690 547.**

**R1 TO R3 BY STATE ATTORNEY SRI.P.VIJAYA RAGHAVAN
BY GOVERNMENT PLEADER SMT.LOWSYA**

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

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: PHOTOCOPY OF LICENSE ISSUED BY THE 9TH RESPONDENT
GRAMA PANCHAYATH.**
- EXT.P2: PHOTOCOPY OF LICENSE ISSUED BY THE FOOD SAFETY OFFICER
KARUNAGAPPALLY**
- EXT.P3: PHOTOCOPY OF THE LETTER ISSUED BY THE 9TH RESPONDENT
GRAMA PANCHAYATH DATED 17/01/2015.**
- EXT.P4: PHOTOCOPY OF THE COMPLAINT SUBMITTED BEFORE
THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

**A.M.SHAFIQUE &
K.ABRAHAM MATHEW, JJ.**

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W.P.(C) No.13342 of 2015

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Dated this the 5th day of May, 2015

JUDGMENT

Shaffique, J

Petitioner has approached this Court alleging harassment by the Police. According to him, he is eking out his livelihood by sale of ice cream in a vehicle. The vehicle was unnecessarily detained by the Police and harassment is being meted out against the petitioner at the instance of the 4th respondent who is a competitor.

2. Having regard to the nature of order we intend to pass, notice is not issued to party respondents. A statement is filed by the 1st respondent stating that the petitioner is involved in various other crimes as Crime Nos.846 of 2013, 1001 of 2011 and 22 of 2015. It is submitted that the petitioner does not have any valid licence to vend ice cream. Learned counsel for the petitioner, however, submitted that he had obtained

necessary licence in this regard. However, the only difference was that the vehicle number was different.

3. Having regard to the aforesaid factual situation, we do not think that there is any harassment by the Police. Police can interfere only if there is any crime committed by the petitioner. If valid licence is not available, Police will have to report the matter to the local authority who can take appropriate action in the matter. In the said circumstances, we observe that unnecessary interference in the vending of ice cream shall not be done by the Police in this regard. However, it shall always be open for the Police to take case if the petitioner is involved in any crime.

With the above observations, the writ petition is closed.

Sd/-

A.M.SHAFIQUE , JUDGE

Sd/-

K.ABRAHAM MATHEW, JUDGE

vdv