

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 15482 of 2015 (I)

PETITIONER :-

THIRUVATHRA JUMA-ATH COMMITTEE,
THIRUVATHRA.P.O, CHAVAKKAD, THRISSUR
REPRESENTED BY ITS PRESIDENT, SAINUDHEEN HAJI
AGED 61 YEARS, S/O.CHINGANATH PARIKUTTY
AMBALATH HOUSE, THIRUVATHRA.P.O, CHAVAKKAD
THRISSUR.

BY ADV. SRI.L.RAJESH NARAYAN

RESPONDENTS :-

1. THE DISTRICT POLICE CHIEF(RURAL), THRISSUR.
2. DEPUTY SUPERINTENDENT OF POLICE, THRISSUR.
3. SUB INSPECTOR OF POLICE, CHAVAKKAD.
4. CIRCLE INSPECTOR OF POLICE, CHAVAKKAD.
5. P.M.NAZAR, S/O.MUHAMMADIN, PANDIKASALAPARAMBIL HOUSE
THIRUVATHRA.P.O.
6. ASMATHALI, S/O.MOITHUNNI, ARAVASSERY HOUSE
THIRUVATHRA.P.O.
7. ALI, S/O.MOHAMMED, THAZATH HOUSE, THIRUVATHRA.P.O.
8. RAFI, S/O.HUSSAIN, CHALIL HOUSE, THIRUVATHRA.P.O.
9. RAHOOF, S/O.HYDRU, THECHAN HOUSE, THIRUVATHRA.P.O.

R1 TO R4 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) .No. 15482 of 2015 (I)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 TRUE COPY OF THE JUDGMENT DATED 15.11.2012 IN W.P(C) 22164/2012.

EXT.P2 TRUE COPY OF THE JUDGMENT DATED 2.1.2013 IN W.P(C) 22110 OF 2012.

EXT.P3 TRUE COPY OF THE NOTICE.

EXT.P4 TRUE COPY OF THE COMPLAINT DATED 19.5.2015.

EXT.P4(a) ENGLISH TRANSLATION OF EXT.P4.

EXT.P5 TRUE COPY OF THE RECEIPT DATED 19.5.2015.

EXT.P5(a) ENGLISH TRANSLATION OF EXT.P5.

EXT.P6 TRUE COPY OF THE RECEIPT DATED 22.5.15.

EXT.P6(a) ENGLISH TRANSLATION OF EXT.P6.

EXT.P7 TRUE COPY OF THE COMPLAINT.

EXT.P7(a) ENGLISH TRANSLATION OF EXT.P7.

EXT.P8 TRUE COPY OF THE RECIEPT DATED 26.2.15.

EXT.P8(a) ENGLISH TRANSLATION OF EXT.P8.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.15482 of 2015

Dated this the 26th day of May 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking police protection. It is inter alia contended that the petitioner being a Society registered under the Societies Registration Act (Act 21 of 1860) has control over 9 Mosques. The Society is managed by 21 members. Respondents 5 to 9, who are members of another organisation with the intention to interfere in the functioning of the petitioner organisation and for that purpose, they are creating an atmosphere of disharmony among the members of the public. It is submitted that the members of the petitioner are threatened, abused, attacked and they are living under the constant fear on account of the illegal acts of respondents 5 to 9. The petitioner submits that they are intending to conduct their annual day celebrations on 30th onwards and they apprehend that respondents 5 to 9 and their men will try to create nuisance, thereby endangering the life of public at large.

2. Learned State Attorney on instructions would submit that based on Ext.P7 complaint, parties were summoned and they have promised that no untoward incident would happen during the annual day celebrations.

3. Having regard to the nature of order being passed in the writ petition, no notice is required to be issued to respondents 5 to 9.

4. Reference to Ext.P1 judgment dated 15.11.2012 in W.P.(C) No.22164 of 2012 apparently indicates that there are some factional dispute between two factions in the matter relating to management of the petitioner organisation. Whatever that might be, as stated by the learned counsel for the petitioner, the matter is pending before this Court in a Civil Revision Petition.

5. In regard to the conduct of annual day celebrations of the petitioner organisation, the police can interfere only when there is any law and order situation arises. The situation as complained has not arisen as matter stands now, though there were allegation that injuries were caused to members of the petitioner organisation by respondents 5 to 9 and their men.

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6. Under such circumstances, we only observe that if there is any offence being committed or attempt to commit offence, on the complaint of the petitioner, the police shall look into the matter and do the needful.

With the above observation, this writ petition is closed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**