

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

WP(C).No. 19337 of 2015 (N)

PETITIONER:

PREMNATH M.R. AGED 53 YEARS
S/O.RAMAKRISHNAN
M/S.TRANS ENGINEERING & FABRICATION
S.N.COLLEGE ROAD, KULAPPULLY, SHORNUR
PALAKKAD - 679 122.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS:

1. THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT OF KERARLA, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, VAZHUTHAKKADU
THIRUVANANTHAPURAM - 695 001.
3. SUPERINTENDENT OF POLICE
OFFICE OF SUPERINTENDENT OF POLICE
PALAKKAD - 679 122.
4. DEPUTY SUPERINTENDENT OF POLICE
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE
SHORNUR - 679 122.
5. CIRCLE INSPECTOR OF POLICE
OFFICE OF THE CIRCLE INSPECTOR OF POLICE
OTTAPPALAM.
6. THE SUB INSPECTOR OF POLICE
SHORNUR POLICE STATION, SHORNUR - 679 122.
7. SAIDALI
S/O.MAMMY, KURAVATTOOR, VALLAPUZHA - 679 101.

BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 19337 of 2015 (N)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1. TRUE COPY OF TAX RECEIPT DATED 18.05.2015 PERTAINING TO THE
PROPERTY OF PETITIONER WITH ENGLISH TRANSLATION.

EXHIBIT P2. TRUE COPY OF THE CONSENT DATED 20.02.2015 FROM KERALA
STATE POLLUTION CONTROL BOARD TO OPERATE THE PETITIONER UNIT.

EXHIBIT P3. TRUE COPY OF THE LICENSE DATED 29.05.2015 RECEIVED FROM
SHORNUR MUNICIPALITY WITH ENGLISH TRANSLATION.

EXHIBIT P4. TRUE COPY OF THE REGISTRATION CERTIFICATE DATED 02.06.2015
FROM DEPARTMENT OF INDUSTRIES.

EXHIBIT P5. TRUE COPY OF THE PROCEEDING OF KSEB DATED 23.05.2015 AS TO
PROVIDING SERVICE CONNECTION TO THE UNIT OF PETITIONER ON 21.04.2015.

EXHIBIT P6. TRUE COPY OF THE COMPLAINT OF 7TH RESPONDENT DATED
12.05.2015 WITH ENGLISH TRANSLATION.

EXHIBIT P7. TRUE COPY OF THE REPORT OT TALUK SURVEYOR WITH SKETCH DATED
05.05.2015 HAVING COVERED NOTE TO 7TH RESPONDENT WITH ENGLISH
TRANSLATION.

EXHIBIT P8. TRUE COPY OF THE NOTICE DATED 18.05.2015 BY THE ASSISTANT
ENGINEER OF ELECTRIC SECTION, SHORNUR TO PETITIONER WITH ENGLISH
TRANSLATION.

EXHIBIT P9. TRUE COPY OF THE REPLY DATED 20.05.2015 BY PETITIONER
BEFORE THE ASSISTANT ENGINEER WITH ENGLISH TRANSLATION.

EXHIBIT P10. TRUE COPY OF THE INTERIM ORDER DATED 27.05.2015 IN W.P.(C)
NO.15562/2015.

EXHIBIT P11. TRUE COPY OF THE REPRESENTATION DATED 18.06.2015 BY
PETITIONER BEFORE THE 6TH RESPONDENT WITH ENGLISH TRANSLATION.

EXHIBIT P12. TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT OF PETITION DATED
19.06.2015 WITH ENGLISH TRANSLATION.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY// PA TO JUDGE

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

W.P.C.No.19337 of 2015

Dated this the 26th day of June 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court alleging police harassment and seeking police protection from the 7th respondent.

2. In the nature of order we intend to pass, no notice is being issued to 7th respondent. It is stated that the petitioner has started an industrial unit in a property belonging to him. The property forms part of a larger extent of 26 cents of land of which the 7th respondent also has a major portion. For the purpose of operating an industrial unit, an electrical line was drawn. There was dispute between the petitioner and the 7th respondent in regard to the electric post that had been erected. 7th respondent has complained that the post was put up in the property belonging to him. The matter was enquired into by the Kerala State Electricity Board to which notice has been issued and enquiry is in progress. In the meantime, petitioner has approached this Court by filing W.P.C.15562/2015 and there is an

order of status quo.

3. Complaint of the petitioner is that in the meantime, police is continuously calling him and asking him not to function the unit. This, according to the petitioner, amounts to harassment. He submitted complaint to the police for necessary protection since the 7th respondent is interfering with the functioning of the unit in the said locality.

4. The learned Government Pleader, on instructions, would submit that the 7th respondent had given a complaint regarding the post erected in his property. The Electricity Board had called upon the petitioner to submit documents showing title to the property in which the post was erected, which matter is now pending before this Court. In the meantime, both sides had complained about the functioning of the unit and violation of the order of status quo. The police had warned both parties to maintain law and order situation and the 7th respondent was asked to comply with the directions issued by this Court. It is also submitted by the learned Government Pleader that police has not harassed the petitioner in any manner and has not restricted the petitioner in the matter relating to functioning of the unit.

5. Having regard to the aforesaid submission made by the learned Government Pleader, we do not think that any case of police harassment is made out by the petitioner. However, if any offence is committed or there is any attempt to commit offence, it is always open for the petitioner to file necessary complaint before the police who shall look into the matter and take appropriate action, in accordance with law.

This writ petition is disposed of as above.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

