

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 21576 of 2015 (V)

PETITIONER(S):

**P.T.ABDUL RAHIMAN, PRESIDENT,
MADRASATHUSSALAFIYYA, SIYAMKANDA,
PULIKKAL P.O., CHERUKKAVU VILLAGE, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.GEORGE POONTHOTTAM
SRI.E.S.M.KABEER**

RESPONDENT(S):

- 1. THE DEPUTY SUPERINTENDENT OF POLICE,
MALAPPURAM-676505.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
KONDOTTY, MALAPPURAM DISTRICT-676505.**
- 3. THE SUB INSPECTOR OF POLICE, KONDOTTY,
MALAPPURAM DISTRICT-676505.**
- 4. P.SAYED MUHAMMED SHAKIR,
S/O.KUNHI SEETHIKOYA THANGAL, UJASNA,
SIYAM KANDAM, PULIKKAL P.O., CHERUKAVU VILLAGE,
MALAPPURAM DISTRICT-676504.**
- 5. PALATHINGAL BASHEER ALIAS ABDU,
S/O.BAVA, PUTHALAM PALLIPURAYA HOUSE,
SIYAMKANDAM, PULIKKAL P.O., MALAPPURAM DISTRICT-673637.**
- 6. MUHAMMED SHAFI.P.K., S/O.ABDURAHIMAN,
THOTTIYAMPARA, IKARAPADI P.O., PULIKAL,
MALAPPURAM DISTRICT-673637.**
- 7. PAINGIRI PARAMBAN ANWAR, S/O.MUHAMMED KUTY,
VADAKEPOTTA HOUSE, IKARAPADI P.O.,
MALAPPURAM DISTRICT-673637.**

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8. P.K.CHAKKALA AHAMED, S/O.MUHAMMEDKUTTY,
VADAKEPOTTA HOUSE,
IKARAPADI P.O., MALAPPURAM DISTRICT-673637.
9. N.K.M.ABDUL RASHEED, 'NASEEB',
SIYAMKANDAM, PULIKAL P.O.-673637.
10. SALMAN P.O., S/O.P.P.UMMER, PUTHALAM HOUSE,
SIYAMKANDAM, PULIKAL P.O.-673637.
11. ALTHAF HUSSAIN P.C., S/O.P.C.MUHAMMEDKUTTY,
SIYAMKANDAM, P.O.PULIKKAL-673637.
12. NAJEEB P.P., S/O.P.P.ABOOBACKER,
PUTHALAM HOUSE, SIYAMKANDAM, PULIKKAL P.O.-673363.

R1-3 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PJ

APPENDIX

PETITIONERS' EXHIBITS

- EXT.P1. COPY OF THE CERTIFICATE OF AFFILIATION ISSUED BY KNM
EDUCATION BOARD DATED 1/9/80**
- EXT.P2. COPY OF THE LAND TAX RECEIPT REMITTED ON 6/4/15 FOR THE
FINANCIAL YEAR 2015-16 WITH ENGLISH TRANSLATION**
- EXT.P3. COPY OF THE POSSESSION CERTIFICATE DATED 6/4/15 ISSUED BY
THE VILLAGE OFFICER WITH ENGLISH TRANSLATION**
- EXT.P4. PHOTOGRAPH SHOWING THE BUILDING**
- EXT.P5. COPY OF THE JUDGMENT IN WPC.18778 OF 2015 DATED 23/6/15**
- EXT.P6. COPY OF THE REPRESENTATION DATED 9/7/15 SUBMITTED BY THE
PETITIONER TO THE DEPUTY SUPERINTENDENT OF POLICE
MALAPPURAM.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

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ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 21576 of 2015

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Dated this, the 23rd day of July, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 4 to 12 in view of the judgment which is being passed.

2. Petitioner by this writ petition has prayed for a mandamus directing respondents 1 to 3 to provide sufficient police protection to the petitioner to carry on their activities such as the conduct of Madrasa classes as approved by the KNM Educational Board, the office of the KNM Unit, the Quran classes for the muslim women on Friday, the exhibition of CDs containing the speeches of Islam, the conduct of the Nursery school after 9.15 a.m. till 4 p.m and certain other reliefs.

3. Petitioner had earlier approached this Court by filing WP(C) No.18778/15 making almost the same allegations alleging that respondents 1 to 9 are obstructing the activities of the

petitioner. This Court by judgment dated 23rd June, 2015 disposed of the writ petition with the following observation in para 4;

“4. Since the police had already taken appropriate measures by conducting enquiry into the allegations raised by the petitioners, we only observe that police shall keep a constant vigil on the activities of the petitioners as well as respondents 1 to 9 and ensure that law and order is maintained”.

4. Petitioner has now come up in this petition repeating the same allegation and submits that obstruction is created and police is misinterpreting the judgment passed by this Court on 23rd June, 2015. Learned Government Pleader after obtaining instructions submits that police authorities as per earlier judgment of this Court dated 23rd June, 2015 are keeping a vigil on the activities of the petitioner as well as respondents 1 to 9 in WP(C) No.18778/15 and they are maintaining the law and order situation. He submits that allegation of the petitioner that police is prohibiting the petitioner from carrying out any activities is incorrect. Police has neither prohibited the petitioner or respondents to carry on their activities. Police authorities have already been directed to maintain law and order and no further

W.P(C) No.21576/15

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order is required. In the event, petitioner has any other grievance or seeks any other order, it shall be open for the petitioner to approach the competent authority.

With the above observation, writ petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

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PS to Judge