

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 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

WP(C).No. 21902 of 2015 (K)

PETITIONER(S):

**K.RAJENDRAN AGED 62 YEARS,
S/O.P.KUTTAN,
CHAIRMAN,
VENNIYOOR SREE BHADRAKALI TEMPLE DEVASAM
SEVA TRUST, RESIDING AT
KARAKKATTU VILAKATHU PUTHEN VEEDU,
VENNIYOOR, VENGANOOR, NELLIVILA PO,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN
SRI.ARUN BOSE
SMT.S.UMA DEVI**

RESPONDENT(S):

- 1. THE SUPERINTENDENT OF POLICE (RURAL),
THIRUVANANTHAPURAM DISTRICT,
THIRUVANANTHAPURAM 695001.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
VIZHINJAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT
PIN 695001.**
- 3. THE SUB INSPECTOR OF POLICE,
VIZHINJAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT
PIN 695001.**
- 4. VINCENT,
AGED 55 YEARS, S/O CHELLAN,
KAREKKATTUVILA VEEDU,
VENIYOOR, NELLIVILA (PO),
THIRUVANANTHAPURAM 695001.**

5. SANAL @ ANISH,
AGED 35 YEARS, S/O LITTY,
KAREKKATTUVILA VEEDU,
VENIYOOR, NELLIVILA (PO,
THIRUVANANTHAPURAM 695001.
6. ANU, AGED 22 YEARS,
S/O RAVI,
KAREKKATTUVILA VEEDU,
VENIYOOR, NELLIVILA (PO,
THIRUVANANTHAPURAM 695001.
7. MANU, AGED 25 YEARS,
S/O RAVI,
KAREKKATTUVILA VEEDU,
VENIYOOR, NELLIVILA (PO,
THIRUVANANTHAPURAM 695001.
8. RAJESH,
AGED 35 YEARS, S/O SELVAN,
KAREKKATTUVILA VEEDU,
VENIYOOR, NELLIVILA (PO,
THIRUVANANTHAPURAM 695001.

BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.21902/15

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE COMPLAINT FILED BEFORE THE 3RD
RESPONDENT ALONG WITH ITS ENGLISH TRANSLATIONS.

EXT.P2: TRUE COPY OF THE COMPLAINT DATED 8.7.2015 FILED
BY THE PETITIONER BEFORE THE 3RD RESPONDENT ALONG WITH
ITS ENGLISH TRANSLATIONS.

//True Copy//

PS to Judge

Rp

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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W.P (C) No. 21902 of 2015

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Dated this, the 21st day of July, 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court alleging that respondents 4 to 8 are creating nuisance in the matter relating to functioning of a temple which has been in existence for the past 51 years. Further, it is stated that they have been creating nuisance and disturbance to the poojas and rituals being conducted in the temple. Petitioner and his family members were also threatened. He had given complaint on 6/12/2014 and thereafter on 8/7/2015. Since the police did not take any action in the matter, this writ petition is filed.

2. Learned Government Pleader on instructions would submit that as far as Ext.P1 complaint is concerned, the matter was enquired into and the issues had been settled between the parties. With reference to Ext.P2, complaint was not received by the police, but, on enquiry, it was found that the same was sent

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only yesterday by post. However, police had come to know of the matter only when the writ petition was filed.

3. Having regard to the fact that an appropriate complaint has not been filed before the police and without even waiting for finding out whether police had conducted any enquiry in the matter, the writ petition was filed, we are of the view that the filing of the writ petition is clearly an abuse of process of court.

In the result, we do not find it necessary to issue any direction as sought for. Accordingly, this writ petition is dismissed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge