

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 26297 of 2015 (J)

PETITIONER :

**N.KAMALAN,
S/O.NEELAKANTAN @ VEDAMANICKYAM,AGED 65 YEARS,
MEKKUMKARA HOUSE, NOCHIMA, NAD P.O, KOMBARA,
ALUVA-683 563**

**BY ADVS.SRI.V.SETHUNATH
SRI.V.R.MANORANJAN (MUVATTUPUZHA)**

RESPONDENT(S):

- 1. PRASANNA KUMAR (S I OF POLICE ARYANKODU POLICE STATION),
OTTASHEKHARAMANGALAM, KATTAKKADA VIA,
THIRUVANANTHAPURAM, PIN -695 013**
- 2. VIDHYADHARAN, AGED 55 YEARS,
ROADARIKATHU VEEDU, PEZHUMMOODU, POOVACHAL P.O.,
KATTAKADA, THIRUVANANTHAPURAM, PIN-695 572**
- 3. DIVYA @ VIDYA,
RESIDINGA AT CHELAMBRAGONAM COLONY VEEDU, CHEMBOOR,
VELLARADA P.O, THIRUVANANTHAPURAM, PIN- 695 505**
- 4. THE SHO KATTAKKADA POLICE STATION,
KATTAKKADA, THIRUVANANTHAPURAM, PIN-695 572**
- 5. SUPERINTENDENT OF POLICE,
RURAL, THIRUVANANTHAPURAM, KERALA- 695 002**

R4 & R5 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 26297 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER,
 VEERANAKAVU WITH ENGLISH TRANSLATION.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.26297 of 2015

Dated this the 7th day of September 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 1 to 3 in view of the judgment being passed today.

2. Petitioner has filed this writ petition alleging police harassment. Direction has been sought to the 1st respondent not to harass the petitioner. Petitioner's case is that his ancestral property is in the jurisdiction of the 4th respondent and it has further been stated that one of the petitioner's younger brother is missing for the last twenty years. 1st respondent has summoned the petitioner at a place which is 250 Kms away. It is stated that there is some dispute between the co-owners of the property which is being a civil dispute, police authority have no jurisdiction to interfere.

3. The learned Government Pleader, after obtaining instructions, submits that a complaint is received in December

2014 in which Crime No.912/2014 regarding man missing case was registered. In that connection, petitioner was called at the police station. It is submitted that the 1st respondent has not interfered in any of the property dispute of the petitioner or his co-owners.

4. In view of the above statement made by the learned Government Pleader, we are of the view that it cannot be said to be a case of police harassment since petitioner was called only with regard to the crime regarding man missing and police, as submitted by the learned Government Pleader, is not interfering in any manner with regard to the civil dispute. We further observe that investigation shall be conducted in accordance with the procedure prescribed under the Code of Criminal Procedure.

With the above observation, this writ petition is dismissed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

