

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 28485 of 2014 (I)

PETITIONER:

**OLAKKARA HAMEED,
S/O.MOHAMMEDKUTTY, VADAKKAMANNA,
TIRURANGADI MALAPPURAM DISTRICT - 676 528.**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
KOTTAKKAL POLICE STATION,
MALAPPURAM DISTRICT 676 001.**
- 2. MAHMOOD, S/O.MOHAMMEDKUTTY,
OLAKKARA HOUSE, MATTATHUR AMSOM DESOM,
VADAKKAMANNA TIRURANGADI,
MALAPPURAM DISTRICT - 676 528.**

***ADDL. R3 IMPEADED**

- 3. THE SUPERINTENDENT OF POLICE, MALAPPURAM.**

**ADDL. R3 IS IMPEADED AS PER ORDER
DATED 25.05.2015 IN IA.6617/2015.**

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1 - TRUE COPY OF THE ORDER NO.K.DIS.10593/92/12 DATED 20-10-1992 OF THE DISTRICT COLLECTOR, MALAPPURAM.
- EXT.P2 - TRUE COPIES OF THE AWARDS GIVEN TO THE PETITIONER BY OTHUKKUNGAL GRAMA PANCHAYATH AND OTHUKKUNGAL KRISHIBHAVAN.
- EXT.P3 - TRUE COPY OF THE PRELIMINARY DECREE IN O.S.NO.119/2005 OF SUB COURT TIRUR DATED 5-1-2008.
- EXT.P4 - TRUE COPY OF THE JUDGMENT DATED 7-10-2010 IN WPC.NO.33137/2009 OF THIS HON'BLE COURT.
- EXT.P5 - TRUE COPY OF THE COMPLAINT DATED 30-1-2012 FILED BY THE PETITIONER BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT MALAPPURAM.
- EXT.P6 - TRUE COPY OF THE F.I.R IN CRIME NO.67/2012 OF KOTTAKKAL POLICE STATION.
- EXT.P7 - TRUE COPY OF THE COMPLAINT DATED 27-2-2012 FILED BY THE PETITIONER BEFORE THE SUPERINTENDENT OF POLICE, MALAPPURAM.
- EXT.P8 - TRUE COPY OF THE AFFIDAVIT IN IA NO.4662/2012 IN OPC NO.3184/2011 FILED BY THE PETITIONER BEFORE THIS HON'BLE COURT.
- EXT.P9 - TRUE COPY OF THE ORDER DATED 13-4-2012 IN IA NO.4662/2012 IN OPC NO.3184/2011 OF THIS HON'BLE COURT.
- EXT.P10 - TRUE COPY OF THE FINAL DECREE DATED 25-10-2012 IN IA NO.2348/2008 IN OS NO.119/2005 OF SUB COURT, TIRUR.
- EXT.P11 - TRUE COPY OF THE COMPLAINT DATED 4-2-2003 FILED BY THE PETITIONER BEFORE THE SUPERINTENDENT OF POLICE, MALAPPURAM.
- EXT.P12 - TRUE COPY OF THE COMPLAINT DATED 13-3-2013 FILED BY THE PETITIONER BEFORE THE CIRCLE INSPECTOR OF POLICE, TIRUR.
- EXT.P13 - TRUE COPY OF THE COMPLAINT DATED 15-3-2013 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P14 - TRUE COPY OF THE JUDGMENT IN WPC.NO.8649/2013 DATED 10-7-2013 OF THIS HON'BLE COURT.

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- EXT.P15 - TRUE COPY OF FIR IN CRIME NO.655/2013 OF KOTTAKKAL POLICE STATION.
- EXT.P16 - TRUE COPY OF THE APPEAL MEMORANDUM IN AS NO.10/2013 FILED BY THE 2ND RESPONDENT AND OTHERS BEFORE THE DISTRICT COURT, MANJERI.
- EXT.P17 - TRUE COPY OF IA NO.107/2013 IN AS NO.10/2013 FILED BY THE 2ND RESPONDENT AND OTHERS BEFORE THE DISTRICT COURT, MANJERI.
- EXT.P18 - TRUE COPY OF THE COMPLAINT DATED 25-1-2014 FILED BY ONE NADUVEETIL JANAKI BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM.
- EXT.P19 - TRUE COPY OF THE COMPLAINT DATED 12-12-2014 FILED BY THE PETITIONER BEFORE THE SUPERINTENDENT OF POLICE, MALAPPURAM.
- EXT.P20 - TRUE COPY OF THE COMPLAINT DATED 16-3-2014 FILED BY PETITIONER BEFORE THE CIRCLE INSPECTOR OF POLICE, TIRUR.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

W.P.(C). No.28485 of 2014

Dated this the 25th day of May, 2015

ORDER

Prayers in this writ petition are as follows:

- “(i) issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing the 1st respondent to register crime, take appropriate action on complaints when commission of offence is reported to him, investigate the same and take appropriate action against the offenders mentioned therein;
- (ii) issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing the 1st respondent to take such steps so as to enable the petitioner to do agricultural operations peacefully in his property and in the properties taken by him on lease;
and
- (iii) to issue such other directions or orders as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case.”

2. A statement has filed dated 18/11/2014 and paragraph 6 of the same reads as follows:

“ The petitioner is and agriculturist. It is his livelihood. The writ petitioner says that, on the basis of the order of Honourable High Court, he remitted the tax at the concerned village office. On the basis of this, he plucks coconuts. The 2nd respondent of the writ petition opposed the act of the writ petitioner, which create law and order issues. Hence the Honourable court may kindly give a necessary direction in this regard to avoid further law and order issues.”

3. Heard, Sri. K.K.Mohamed Ravuf learned counsel appearing for the petitioner and learned Public Prosecutor

appearing for the official respondents 1 and 3.

4. In the interest of justice it is ordered that without going into the merits of the matter that in case law and order problem arises disclosing commission of cognizable offences, then it is for the writ petitioner to immediately point out such situations.

5. It is for the writ petitioner to immediately bring the same to the notice of the official respondents 1 and 3 by submitting appropriate representations and then it is for the said official respondents to deal with the situations strictly in accordance with law. The petitioner submits that he has already submitted Ext.P19 before the 3rd respondent Superintendent of Police. If Ext.P19 has already been received and is pending consideration, then it is for the 3rd respondent to consider the matter raised in Ext.P19 and if he is convinced that necessary steps to interdict with commission of cognizable offences is warranted, and then it is for him to act to deal with such a situation, in accordance with law.

6. It is made clear that this Court has not made any observations on the merits of the matter and it is solely within the province of the official respondents to act strictly in

accordance with law.

The writ petition (civil) stands disposed of accordingly.

Sd/- ALEXANDER THOMAS
JUDGE

MJL