

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

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THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

WP(C).No. 33036 of 2015 (D)

PETITIONER:

**GILTON JOSEPH,S/O. JOSEPH,
MATHILAKATHU VEEDU, THACHOTTUKAVU,
PEYAD P.O., MALAYINKEEZHU VILLAGE,
KATTAKKADA TALUK,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.V.G.ARUN
SRI.ANOOP BHASKAR**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
THIRUVANANTHAPURAM-695 001.**
- 2. DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM-695 014.**
- 3. CIRCLE INSPECTOR OF POLICE,
MALAYINKEEZHU CIRCLE, MALAYINKEEZHU,
KATTAKKADA TALUK, THIRUVANANTHAPURAM-695 571.**
- 4. SUB INSPECTOR OF POLICE,
MALAYINKEEZHU POLICE STATION, MALAYINKEEZHU,
KATTAKKADA TALUK, THIRUVANANTHAPURAM-695 571.**

BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1- TRUE COPY OF THE LICENSE NO. 396/2014-15 ISSUED BY DIVISIONAL FOREST OFFICER, THIRUVANANTHAPURAM.
- EXHIBIT P2- TRUE COPY OF D&O LICENSE NO. A2.29/15-16 DATED 16-4-2015 ISSUED BY THE SECRETARY OF MALAYINKEEZHU GRAMA PANCHAYAT AND TRANSLATION
- EXHIBIT P3- TRUE COPY OF CONSENT TO OPERATE CERTIFICATE NO. PCB/TVM-DO/CO(A)/1250/05 DATED 22-06-2015 ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD.
- EXHIBIT P4- TRUE COPY OF THE SALE DEED NO. 3138 OF 1998, REGISTERED AT MALAYINKEEZHU SUB-REGISTRY AND TRANSLATION
- EXHIBIT P5- TRUE COPY OF LAND TAX RECEIPT DATED 10-04-2012 NUMBERED 0352926 ISSUED BY MALAYINKEEZHU VILLAGE OFFICER AND TRANSLATION
- EXHIBIT P6- TRUE COPY OF THE PLAINT IN O.S.NO. 835 OF 2012 ON THE FILE OF THE SECOND ADDITIONAL MUNSIF COURT, NEYYATTINKARA AND TRANSLATION
- EXHIBIT P7- TRUE COPY OF THE ORDER PASSED BY THE SECOND ADDITIONAL MUNSIF COURT, NEYYATTINKARA IN I.A.NO. 4970/2012 IN O.S.NO. 835/2012 DATED 05-10-2012.
- EXHIBIT P8- TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE DIRECTOR GENERAL OF POLICE DATED 26-09-2015 AGAINST POLICE HARASSMENT AND TRANSLATION
- EXHIBIT P9- TRUE COPY OF THE RECEIPT ISSUED FROM POLICE HEAD QUARTERS, THIRUVANANTHAPURAM DATED 26-09-2015 AND TRANSLATION

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.S.TO JUDGE

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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Dated this, the 17th day of November, 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.

2. This writ petition has been filed by the petitioner alleging police harassment. Petitioner's case in the writ petition is that at the instance of the plaintiff in OS No.835/2012, police authorities are calling the petitioner and preventing the petitioner from planting plantains in the property. Petitioner himself has filed a copy of the order passed by the IInd Additional Munsiff dated 5th October, 2012, Ext.P7, where direction was issued for maintaining *status quo* as reported by the Commissioner on 5/10/2012.

3. Learned Government Pleader after obtaining instructions submits that police authorities have only directed the petitioner not to do anything in the land in violation of the *status*

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-:2:-

quo order and appropriate orders be obtained from Civil Court.

From the facts brought on record, we are of the view that present case cannot be treated to be a case of any kind of police harassment. Petitioner, if so advised, may obtain appropriate order from the Civil Court with regard to the property in question. With these observations, writ petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

17/11/2015

//True Copy//

PS to Judge