

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C) .No. 34499 of 2015 (J)

PETITIONER(S) :

1. ABOOBACKER MUSLIYAR, AGED 62 YEARS
S/O.IBRAHIM, ERMALAM POST, ALAMPADY
KASARAGOD TALUK.
2. SHAMSUDDEEN
S/O.LATE.MOHAMED HAJEE, JISTHI NAGAR, ERMALAM POST
KASARAGOD TALUK.

BY ADV. SRI.KISHOR B.

RESPONDENT(S) :

1. SUB INSPECTOR OF POLICE
VIDYANAGAR POLICE STATION, KASARAGOD DISTRICT
PIN 671123.
2. SECRETARY TO GOVERNMENT
HOME DEPARTMENT, SECRETARIATE P.O., TRIVANDRUM
PIN 695001.
3. AHAMMED HAJEE
S/O.MAMMUNHI HAJEE, BELIYANDEMEELA, P.O.ALAMPADY
KASARAGOD TALUK, PIN 671123.
4. IBRAHIM HAJEE
S/O.BEERAN, MADAKKATHIL HOUSE, PUDIYALAKKE P.O.
ALAMPADY, KASARAGOD TALUK, PIN 671123.
5. K.A.ABDUL HAMEED
S/O.AHMED, KARUMANAM HOUSE, NEAR MADAVOOR
KOTTA, P.O.ALAMPAD, KASARGODE TALUK
PIN 671123.
6. MUHAMMED POVAL, AGED 55 YEARS,
S/O.POVAL ABUBAKER, POVAL HOUSE, ERMALAM
P.O.ALAMPADY, KASARAGOD TALUK, PIN 671123.
7. ABDUL KHADER
S/O.ISMAIL, WORKING COMMITTEE MEMBER, ERMALAM HOUSE
OPP MADRASSA, P.O.ALAMPADY, KASARAGOD
PIN 671123.

BY Sr.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 34499 of 2015 (J)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE REPRESENTATION DATED 7.11.2015 FROM THE
PETITIONERS TO THE SUB INSPECTOR OF POLICE, VIDYANAGAR.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

**ASHOK BHUSHAN, C.J. &
A.M.SHAFFIQUE, J.**

W.P.(C)No.34499 of 2015

Dated this the 20th day of November, 2015.

J U D G M E N T

ASHOK BHUSHAN, C.J.

Heard the learned counsel for the petitioners and the learned Senior Government Pleader in the matter.

2. No notice has been issued to the 3rd respondent in view of the judgment to be passed. This writ petition has been filed by the petitioner seeking police protection. The substantial prayer in the writ petition is that this Court may direct the police to take all required steps to prevent the demolition of Muhyyadheen Juma Masjid, at Ermalam, Kasaragod Taluk. The petitioner claims to be the Member of Ermalam Muslim Jamaath and his grievance is that the Management Committee of the Mosque is taking steps to demolish the Masjid, which may create law and order problems. We are of the view that, for the issues raised in this writ petition, the remedy available to the petitioners is

to raise the issues relating to the dispute before a competent civil court. The learned Government Pleader would submit that there is no threat to the life of the petitioners and the relief claimed in the writ petition is essentially a relief of civil in nature, for which, the petitioners ought to have approached the civil court. Hence, we are of the view that, the prayer sought for in this writ petition cannot be granted and the petitioner may seek his remedy by approaching the civil court.

With the above observation, this writ petition is dismissed.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge