

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 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 35951 of 2015 (T)

PETITIONER(S):

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SIDHIQUE AGED 52 YEARS  
S/O.KUNNATHU VEETIL HAMSA, KUNNATH HOUSE  
EDAVILANGU P.O. KODUNGALLUR, THRISSUR-680 671.

BY ADV. SRI.P.SATHISAN

RESPONDENT(S):

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1. SUPERINTENDENT OF POLICE, THRISSUR  
KALYAN NAGAR, AYYANTHOLE, THRISSUR 680003.
2. CIRCLE INSPECTOR OF POLICE  
KODUNGALLUR POLICE STATION, PIN - 680 664.
3. STATION HOUSE OFFICER  
KODUNGALLUR POLICE STATION, PIN - 680 664.
4. SHAMLA, AGED 44 YEARS  
W/O.SIDHIQUE, KUNNATH HOUSE  
EDAVILANGU P.O.KODUNGALLUR, THRISSUR, PIN - 680 671.
5. ALTHAF, AGED 22 YEARS  
S/O.SIDHIQUE, KUNNATH HOUSE  
EDAVILANGU P.O.KODUNGALLUR, THRISSUR. PIN - 680 671.
6. ABDUL SALAM  
PRESIDENT, EDAVILANGU JUMA MASJID COMMITTEE  
EDAVILANGU P.O. KODUNGALLUR. PIN - 680 671.

R1-3 BY SR. GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
27-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 35951 of 2015 (T)  
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APPENDIX

PETITIONER(S)' EXHIBITS  
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EXT.P-1: TRUE COPY OF THE RELEVANT EXTRACT FROM THE MEDICAL RECORDS OF THE PETITIONER

EXT.P-2: TRUE COPY OF THE TAX RECEIPT ISSUED BY ERIYAD GRAMA PANCHAYATH WITH TRANSLATION.

EXT.P-2(a): TRUE COPY OF THE TAX RECEIPT ISSUED BY ERIYAD GRAMA PANCHAYATH WITH TRANSLATION

EXT.P-3: TRUE COPY OF THE INTERIM ORDER OF THE HON'BLE FAMILY COURT IN IA NO.1778/2015 IN OP NO.740/15 DATED 15.9.15

EXT.P-3(a): TRUE COPY OF THE INTERIM ORDER OF THE HON'BLE FAMILY COURT IN IA NO.1778/2015 IN OP NO.740/15 DATED 18.9.15

EXT.P-4: TRUE COPY OF THE RELEVANT EXTRACT FROM THE COPY OF THE COMMISSION REPORT WITH TRANSLATION

EXT.P-5: TRUE COPY OF THE ORDER OF THE HON'BLE JUDICIAL MAGISTRATE COURT KODUNGALLUR CRL.MP 10119/2015 IN M.C 90/2015 DATED 17.9.2015

EXT.P-6: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE CIRCLE INSPECTOR OF POLICE KODUNGALLOOR BY THE PETITIONER WITH TRANSLATION.

RESPONDENT(S)' EXHIBITS  
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NIL

// TRUE COPY //

P.A. TO JUDGE

SOu.

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

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W.P(C). No. 35951 of 2015  
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Dated this the 27<sup>th</sup> day of November, 2015

JUDGMENT

Shaffique, J

Petitioner has approached this Court alleging harassment by police and also seeking police protection. It is submitted that the fourth respondent is petitioner's wife and fifth respondent is his son. They are all residing in a building owned and constructed by the petitioner. When there was an attempt on the part of respondents 4 and 5 to forcibly evict the petitioner from the aforesaid building, he had approached the Family Court and an interim order has been passed on 15.9.2015 in I.A. No.1778 of 2015 in O.P.No.740 of 2015 directing status- quo to be maintained as seen by the Advocate Commissioner. The status-quo had been extended as per order dated 18.9.2015. It is submitted by learned counsel for the petitioner that the interim order is still in force.

2. In the meantime, allegation is that the police is asking the petitioner not to reside in the said building. The petitioner had therefore has given complaint to the Circle Inspector of Police seeking non-interference by the Sub Inspector of Police

and he should be given protection to reside in the building. The petitioner also submits that his wife had obtained order of residence from the Judicial Magistrate of First Class, Kogungallur, where a direction has been issued not to commit any physical harassment to his wife and her children.

3. Facts being so, and when it is an admitted fact that petitioner, his wife and children are residing in the very same premises, we do not think that any direction can be issued to police for interference in the matter.

4. Learned Government Pleader submits that police has not interfered in the matter and has only asked the petitioner to comply the direction issued by the learned Magistrate.

5. Police can interfere only if there is any law and order situation or any offence is committed or there is attempt to commit offence. None of such situations has arisen in this case.

Hence we close the writ petition permitting the writ petitioner to approach the police if there is any offence committed or attempt to offence is committed.

Sd/-  
ASHOK BHUSHAN  
CHIEF JUSTICE

Sd/-  
A.M.SHAFIQUE,  
JUDGE

sou.

// TRUE COPY //