

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 DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 36275 of 2015 (H)

PETITIONER:

**UMMER @ BAVAMUSLIYAR, S/O.BEERAVUNNI,
AGED 73 YEARS, KORAMKANDATHIL HOUSE,
ALATHIYUR AMSOM DESOM, POST ALATHIYUR,
TIRUR TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.C.M.MOHAMMED IQUABAL.

RESPONDENTS:

- 1. THE SUPERINTENDENT OF POLICE,
MALAPPURAM, OFFICE OF THE DISTRICT
SUPERINTENDENT OF POLICE,
MALAPPURAM. P.O, PIN-676 505.**
- 2. THE SUB INSPECTOR OF POLICE,
TIRUR POLICE STATION, POST TIRUR,
MALAPPURAM DISTRICT, PIN-676 101.**
- 3. SIDDIQUE, S/O. RAYIN, AGED 40 YEARS,
PUTHUPARAMBIL HOUSE, ALATHIYUR AMSOM DESOM,
POST ALATHIYUR, TIRUR TALUK,
MALAPPURAM DISTRICT, PIN-676 102.**
- 4. ABBAS, S/O.RAYIN, AGED 30 YEARS,
PUTHUPARAMBIL HOUSE, ALATHIYUR AMSOM DESOM,,
POST ALATHIYUR, TIRUR TALUK, MALAPPURAM DISTRICT,
PIN-676 102.**
- 5. ASHRAF, S/O.RAYIN, AGED 34 YEARS,
PUTHUPARAMBIL HOUSE, ALATHIYUR AMSOM DESOM,
POST ALATHIYUR, TIRUR TALUK, MALAPPURAM DISTRICT,
PIN-676 102.**

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**6. AZEEZ, S/O.RAYIN, AGED 25 YEARS,
PUTHUPARAMBIL HOUSE, ALATHIYUR AMSOM DESOM,
POST ALATHIYUR, TIRUR TALUK, MALAPPURAM DISTRICT,
PIN-676 102.**

R1 & R2 BY SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 THE TRUE COPY OF THE ORDER IN I.A.39/2015 IN O.S.8/2015 OF THE MUNSIFF COURT,TIRUR DATED 10.02.2015.
- P2 THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 27.10.2015 WITH ITS ENGLISH TRANSLATION.
- P3 THE TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 21-11-2015 WITH ITS ENGLISH TRANSLATION.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.36275 of 2015

Dated this the 7th day of December 2015

J U D G M E N T

Ashok Bhushan, J

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 3 to 6 in view of the judgment being passed today.

2. Petitioner has filed this writ petition alleging police harassment. Petitioner's case is that he has filed a suit being O.S.No.8/2015 in which the Civil Court has already granted an interim injunction on 10/02/2015. Petitioner has filed a petition before the police making allegations against the Sub Inspector of Police. It was stated in the petition that police is illegally interfering in the civil dispute. It has also been stated that police informed the petitioner that the property has to be measured and the Surveyor has to come.

3. The learned Government Pleader, on instructions, would submit that the petitioner had filed a compliant before the police as Ext.P2, praying that police should interfere in the matter

and direct the respondents to stop the illegal construction. Police authorities went to the site and on coming to know that there is a civil dispute between the parties, informed the petitioner to get the property measured.

4. We do not find any kind of police harassment in this case. Police has informed the petitioner to get the property measured and get an order from the Civil Court, which cannot be said to be any kind of police harassment. In so far as violation of the interim injunction is concerned, it is open for the petitioner to file an application before the Civil Court in the pending civil suit.

With the above observation, this writ petition is closed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/07/12/2015