

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. 36350 of 2015 (P)

PETITIONER(S):

- 1. MUHAMMED ALI, S/O.HAMSA,
AMBALATHUVEETIL HOUSE, PADINJARANGADI P.O.,
PALGHAT DISTRICT-679 522.**
- 2. ABOOBACKER, S/O. HAMSA,
AMBALATHUVEETIL HOUSE, PADINJARANGADI P.O.,
PALGHAT DISTRICT-679 522.**
- 3. SUHARA, W/O.MUHAMMED ALI,
AMBALATHUVEETIL HOUSE, PADINJARANGADI P.O.,
PALGHAT DISTRICT-679 522.**
- 4. RAHIYANNATH, W/O.ABOOBACKER,
AMBALATHUVEETIL HOUSE, PADINJARANGADI P.O.,
PALGHAT DISTRICT-679 522.**

**BY ADVS.SRI.JOHNSON MANAYANI,
SRI.JEEVAN MATHEW MANAYANI.**

RESPONDENT(S):

- 1. SUB INSPECTOR OF POLICE,
PONNANI POLICE STATION, PONNANI P.O.,
MALAPPURAM DISTRICT-679 577.**
- 2. STATE POLICE CHIEF, VELLAYAMBALAM,
TRIVANDRUM-695 001.**
- 3. THE DISTRICT POLICE CHIEF,
PALGHAT DISTRICT, PALGHAT P.O.,
PALGHAT-678 001.**
- 4. THE CIRCLE INSPECTOR OF POLICE,
PATTAMBI CIRCLE, PATTAMBI P.O.,
PALGHAT DISTRICT-679 303.**

WP(C).No. 36350 of 2015 (P)

**5. C.K. MUHAMMED HAJI, CHERIYARAMKOTTIL,
S/O.SYED, EASWARAMANGALAM, BIYYAM P.O.,
PONNANI TALUK, PIN-679 589.**

**6. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO HOME AFFAIRS,
SECRETARIAT, TRIVANDRUM-695 001.**

R1 TO R4 & R6 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:-

- EXT.P1 COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE
PETITIONERS 1 AND 2 WITH THE 5TH RESPONDENT DATED 11/08/2015
WITH TRANSLATION.
- EXT.P2 COPY OF THE PETITION FILED BY THE 2ND PETITIONER BEFORE THE
4TH RESPONDENT DATED 24/11/2015.
- EXT.P3 COPY OF THE PETITION FILED BY THE 3RD PETITIONER
DATED 27/11/2015 BEFORE THE RESPONDENTS 2 TO 4 AND 6.
- EXT.P4 COPY OF THE PETITION FILED BY THE 4TH PETITIONER
DATED 27/11/2015 BEFORE THE RESPONDENTS 2 TO 4 AND 6.
- EXT.P5 COPY OF THE LAWYER NOTICE SENT BY THE PETITIONERS 1 AND
2 TO 5TH RESPONDENT DATED 25/11/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.36350 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.

2. This writ petition has been filed by the petitioner alleging police harassment. Petitioner's case is that a crime has been registered against petitioners 1 and 2 and the police authorities have taken a gold Thali chain and Rs.7,000/- from petitioners 1 and 3 and Rs.20,000/- from the house of petitioners 2 and 4. No receipt or mahazar was given to the petitioners.

3. The learned Government Pleader, on instructions, would submit that a crime has been registered against the petitioners 1 and 2 and police authorities, after obtaining a search warrant from the learned Magistrate, had conducted the search. There were allegations against the use of fire arms by the petitioners also.

4. Learned counsel for the petitioners submits that during the search, several items were taken away from the house of the petitioners by the police authorities.

5. We are of the view that such issues cannot be gone into in this writ petition. Petitioners are free to take such legal measures, as permissible under law, against the conduct of search. We do not find any case of police harassment in this writ petition.

This writ petition is closed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/07/12/2015