

Arun Kumar V Vs. the District Police Chief, Kottayam

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Court : Kerala

Decided On : Dec-20-2013

Judge : Honourable Mr.Justice S.Siri Jagan

Appellant : Arun Kumar V

Respondent : The District Police Chief, Kottayam

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE S.SIRI JAGAN & THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN FRIDAY, THE 20TH DAY OF DECEMBER 2013 29TH AGRAHAYANA, 1935 WP(C).No. 30390 of 2013 (W) ----- PETITIONER(S): ----- 1. ARUN KUMAR V., AGED 27 YEARS, S/O. N.R.VASUKUTTAN, NARIMATTATHIL HOUSE, THRUKOTHAMANGALAM P.O., PIN-686 011, PUTHUPALLY, KOTTAYAM DISTRICT.

2. DHANESH THYAGARAJAN, AGED 25 YEARS, S/O. THYAGARAJAN, KARUMATHUSSERY HOUSE, KIDANGARA P.O., PIN-686 102, ALAPPUZHA DISTRICT.

3. SUDHEESH M.S., AGED 25 YEARS, S/O. MOHAN K. NAIR, ELAVAN MADOM, VALADY, KUMARANKARY P.O., PIN-686 103, CHANGANACHERRY, KOTTAYAM DISTRICT. BY ADVS.SRI.K.SHAJ SRI.SAJJU.S RESPONDENT(S): ----- 1. THE DISTRICT POLICE CHIEF, KOTTAYAM - 686 001.

2. THE DEPUTY SUPERINTENDENT OF POLICE (SPECIAL BRANCH), KOTTAYAM - 686 011.

3. THE DEPUTY SUPERINTENDENT OF POLICE, CHANGANACHERRY, KOTTAYAM - 686 101.

4. THE SUB INSPECTOR OF POLICE, THRIKKODITHANAM, KOTTAYAM DISTRICT - 686 111. R1 TO R4 BY GOVERNMENT PLEADER SRI.P.MOHAMMED SHAH THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 2012-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Kss WP(C).No. 30390 of 2013 (W)

----- APPENDIX PETITIONER(S)' EXHIBITS:

----- EXHIBIT P1- THE COPY OF CERTIFICATE OF INCORPORATION OF KOTTAYKKAKAM CHITS PRIVATE LIMITED DATED 711-2012 BY REGISTRAR OF COMPANIES, KERALA AND LAKSHADWEEP. EXHIBIT P2- THE COPY OF

ORDER

NO. B1/577/2013 DATED 0304-2013 ISSUED BY THE DEPUTY REGISTRAR OF CHITS, KOTTAYAM. EXHIBIT P3- THE COPY OF CERTIFICATE OF COMMENCEMENT OF CHIT DATED 2505-2013 ISSUED BY THE ASSISTANT REGISTRAR OF CHITS, THENGANA TO KOTTAYKKAKAM CHITS PVT. LTD. RESPONDENT(S)' EXHIBITS: ----- N I L /TRUE COPY/ P.A.TO JUDGE Kss S. SIRI JAGAN & K. RAMAKRISHNAN, JJ.

----- W.P.(C). No.30390 of 2013
----- Dated this the 20th day of
December, 2013

JUDGMENT

S.Siri Jagan, J The petitioners are educated youths trying to make a living by conducting chitty business. They allege that, the respondents are harassing the petitioners, inspecting the premises of the petitioners too often without any reason. Petitioners seek the following reliefs: a) to issue a writ of mandamus or any other

appropriate writ order or direction directing respondents 1 to 4 or any officer under them not to unnecessarily summon the petitioners to their offices and not to harass them and to further direct them not to summon them to their respective offices except under due process of law and to further direct the respondents 1 to 4 not to send their officers to the business premises of the petitioners without lawful authority or authorization. b) pass such other writ order or direction that this Hon'ble court may deem fit and proper in the facts and circumstances of the case. c) to award costs to the petitioners.

2. The learned Government Pleader on instructions submits that an anonymous information was received by the District Police Chief, Kottayam, that the W.P.(C). No.30390 of 2013 2 petitioners are cheating subscribers. It is also alleged that, although, the permission granted to the petitioners is to conduct chitties only up to a sala of 50,000/-. They are conducting chitties for more than 5,00,000/-. An enquiry has been initiated in respect of these complaints, pursuant to which only is termed by the petitioners as harassment. It is also submitted that, no crime has yet been registered and if further enquiry or investigation is necessary and the presence of the petitioners is required at the police station, the same shall be only after issuing notices under Sections 90 and 160 of the Criminal Procedure Code. This is recorded and the writ petition is closed. Sd/- S. Siri Jagan, Judge Sd/- K. Ramakrishnan, Judge // True Copy // P.A. to Judge ss

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