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Rabeesh R vs Shams

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Court : Kerala

Decided On : May-31-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Con.Case(C)/846/2024

Appellant : Rabeesh R

Respondent : SHAMS

Judgement :

CON.CASE(C) NO. 846 OF 2024 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946 CON.CASE(C) NO. 846 OF 2024 AGAINST THE ORDER/JUDGMENT DATED IN WP(C) NO.25444 OF 2023 OF HIGH COURT OF KERALA PETITIONER/S: RABEESH R AGED 41 YEARS S/O. T.P. RAGHAVAN, RASNALAYAM, CHEEKKILODE P.O. KOZHIKODE DISTRICT, PIN - 673315 BY ADVS. N.M.MADHU C.S.RAJANI SARAH ZACHARIAH RESPONDENT/S: 1 SHAMS AGE NOT KNOWN TO THE PETITIONER THE DEPUTY SUPERINTENDENT OF POLICE, TIRUR, TIRUR P.O.,

MALAPPURAM DISTRICT, PIN - 676101 2 SUJITH KUMAR FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER THE STATION HOUSE OFFICER, PONNANI, MALAPPURAM DISTRICT, PIN - 679577

BY ADV ADVOCATE GENERAL OFFICE KERALA, SRI.B.S.SYAMANTAK, GP THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: CON.CASE(C) NO. 846 OF 2024 2 P.V.KUNHIKRISHNAN, J ---------- Cont. Case (C.) No. 846 of 2024 in W.P.(C) No. 25444 of 2023 ---------- Dated this the 31st day of May, 2024

JUDGMENT

This contempt case is filed alleging violation of Annexure- A1 judgment. The petitioner earlier filed a contempt case and the same was disposed of by this Court as per Annexure-A2 judgment. It is submitted that even now, there is violation of the order. When this contempt case came up for consideration on 27.03.2024, this Court directed the respondents to file an affidavit. An affidavit is filed and the relevant portion of the same is extracted hereunder : 3. It is humbly submitted that on getting the aforesaid

Judgment Ponnani Police had provided adequate Police

protection to the petitioner for collecting toll at the Harbour. Since the people/ consumers in the Ponnani Harbour area are very sensitive, presence of Police were assured always by CON.CASE(C) NO. 846 OF 2024 3 mobile patrol, beat patrol and bike patrol and the same continuing.

4. It is also submitted that the Fishing harbour is located

almost near by Ponnani Police station. The coastal and harbour area is characterized by significant political tension, warranting continuous vigilance and robust security measures. Adjacent within this region lies the famous tourist destination, "Nilayora Patha," in close proximity to the

Ponnani harbour. Consequently, stringent police surveillance and patrols are maintained round-the-clock to ensure the safety and security of these areas. There are no issues between harbour toll staff and consumers so far. Consumers are entering inside the harbour are paying tolls and no issues are reported in this regard.

5. It is submitted that, the petitioner submitted the

complaint to the station and superiors, concerns have been raised regarding the operational management of the harbour, alleging financial losses. It is apparent that these complaints were strategically filed with the intention of advocating for an extension of the contract period for the harbour's operations.

2. The petitioner disputed the averments in the counter

and handed over a pen drive to show that there is problem in collecting toll. It is submitted by the Government Pleader that the respondents verified the same and submitted that almost all vehicles are giving toll and there is no violation as stated by the CON.CASE(C) NO. 846 OF 2024 4 petitioner. This Court cannot monitor the collection of toll based on Annexure-A1 judgment. If the period of Annexure-A1 is in force for a period of two weeks, the respondents will depute a CPO in the toll both during day time to see that the directions in Annexure-A1 judgment is not violated. The petitioner will make arrangements to stop the vehicle and if there is any obstruction from anybody, the Police officer will interfere. With the above observation, this contempt case is closed. SD/- P.V.KUNHIKRISHNAN JUDGE SKS CON.CASE(C) NO. 846 OF 2024 5 APPENDIX OF CON.CASE(C) 846/2024 PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF THE JUDGMENT DATED 04.08.2023 IN W.P.(C) NO. 25444/2023 OF THIS HON'BLE COURT Annexure A2 TRUE COPY OF THE JUDGMENT DATED 22.01.2024 IN CON. CASE (C) NO.2884/2023 OF THIS HON'BLE COURT Annexure A3 TRUE COPY OF THE COMPLAINT DATED 14.03.2024 SUBMITTED BY THE PETITIONER TO THE FIRST RESPONDENT Annexure A3 (a) TRUE COPY OF THE RECEIPT DATED 14.03.2024 ISSUED BY THE SUB DIVISIONAL OFFICE OF POLICE, TIRUR Annexure A4 TRUE COPY OF THE COMPLAINT DATED 14.03.2024 SUBMITTED BY THE PETITIONER TO THE SECOND

RESPONDENT Annexure A4 (a) TRUE COPY OF THE RECEIPT DATED 14.03.2024 ISSUED BY THE PONNANI POLICE STATION

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