

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WA.No. 440 of 2012 IN WP(C).32881/2006

AGAINST THE JUDGMENT IN WP(C) 32881/2006 DATED 08-03-2010

.....

APPELLANT/PETITIONER :

V. RADHAKRISHNAN
S/O. T.P.VELAYUDHAN, AGED 54 YEARS, KAMALALAYAM
PALAYAMKUNNU P.O., VARKALA, THIRUVANANTHAPURAM.

BY ADVS.SRI.P.V.MOHANAN
SRI.T.M.MAHALINGA IYER
SRI.BIJU.P.N.
SRI.P.V.MOHANAN

RESPONDENTS/RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. THE CHIEF SECRETARY OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
3. THE CHAIRMAN
UNION PUBLIC SERVICE COMMISSION
NEW DELHI - 110 015.
4. THE PRINCIPAL SECRETARY,
HOME DEPARTMENT, GOVERNMENT OF KERALA
THIRUVANANTHAPURAM - 695 001.
5. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM - 695 001.
6. THE ADDITIONAL DIRECTOR GENERAL OF POLICE (ADMN.)
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM - 695 001.

7. ADDITIONAL DIRECTOR GENERAL OF POLICE (CRIME BRANCH)
CBCID, THIRUVANANTHAPURAM - 695 001.
8. THE STATE PUBLIC INFORMATION OFFICER,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM - 695 001.
9. THE INSPECTOR GENERAL OF POLICE,
CRIME BRANCH CBCID, THIRUVANANTHAPURAM - 695 001.
10. THE DEPUTY INSPECTOR GENERAL OF POLICE,
CRIME BRANCH CBCID, THIRUVANANTHAPURAM - 695 001.
11. THE SUPERINTENDENT OF POLICE, CRIME BRANCH, CBCID,
ERNAKULAM - 682 018.
12. THE DEPUTY SUPERINTENDENT OF POLICE,
CRIME BRANCH, CBCID, THIRUVANANTHAPURAM - 695 001.
13. P.K. MADHU (FORMER DEPUTY SUPERINTENDENT OF POLICE
CRIME BRANCH, CBCID, THIRUVANANTHAPURAM
REVATHI, T.C 13/7, PETTA
THIRUVANANTHAPURAM - 695 003.

R1, R2, R4 TO R12 BY SPL.GOVERNMENT PLEADER, SMT. GIRIJA GOPAL.
R3 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL, SC UPSC
R13 BY ADV. SRI.P.C.SASIDHARAN
SRI.ARAVINDAKUMAR BABU

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 05-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.A. No. 440 OF 2012

Dated this the 5th day of March, 2015

JUDGMENT

Shaffique, J.

Petitioner in the writ petition is the appellant. He filed the writ petition seeking for a direction to the 1st respondent to produce the report prepared by Sri.Nithin Agarwal on 02.06.2006 in the matter relating to conduct of enquiry against 12th respondent. Further direction sought is to restrain respondents 1 to 5 from considering the 12th respondent for conferment of benefits of Indian Police Service after his retirement in the year 2005.

2. The learned Single Judge after an elaborate consideration of the various facts and circumstances leading to the above writ petition formed an opinion that the petitioner is re-agitating the very same issues which were urged by him in O.P. No.14412 of 1996 which was dismissed as per Ext.R12(f) judgment dated 24.10.1996. It is also observed that the attempt of the petitioner is to wreck vengeance on the 12th respondent who was associated with the investigation of Crime

No.252/92 of Kalamassery Police Station during the period from 15.10.1992 to 03.04.1997. It is also observed by the learned Single Judge that during the pendency of the writ petition the 12th respondent was conferred with IPS.

3. Under such circumstances, the learned counsel for the appellant submits that he does not prosecute the second relief sought in the writ petition. However, the only request now made is to give a copy of the enquiry report prepared by Sri.Nithin Agarwal to the petitioner. It is not in dispute that the petitioner had made similar request on earlier occasion as well and this Court in Contempt jurisdiction has permitted the petitioner to prefer an appeal against the order passed by the Information Commission. The petitioner had filed an application for obtaining copy of the said report under the Right to Information Act. The appeal was rejected, against which the petitioner approached the Lok Ayukta. Learned counsel for the appellant submitted that the Lok Ayukta has also rejected his application for copy of the said report. The said order has become final and was not challenged in any proceedings. When the

statutory authorities under the Right to Information Act and the Lok Ayukta have rejected the request of the petitioner, and in the absence of any challenge to the order passed in the said application, we do not think it necessary to direct issuance of copy of the said report.

Nothing survives to be considered in this appeal and the learned Single Judge has rightly dismissed the writ petition. Accordingly, this Writ Appeal is dismissed.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**

WA No. 440 of 2012

-:4:-