

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS**

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WA.No. 1463 of 2015 () IN WP(C).8461/2011

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AGAINST THE ORDER/JUDGMENT IN WP(C) 8461/2011 of HIGH COURT OF KERALA
DATED 25-02-2015**

APPELLANT(S)/PETITIONER:

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V.P.PRATHEEPAN,
S/O V.A.PRABHAKARAN, VAZHAPARAMBIL, PANANGAD P.O.,
ERNAKULAM - 682 506.**

**BY ADVS.SRI.S.GOPAKUMAR
SMT.T.M.BINITHA**

RESPONDENT(S):

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- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
 - 2. COMMISSIONER & SECRETARY,
VIGILANCE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
 - 3. DIRECTOR - VIGILANCE,
DIERECTORATE OF VIGILANCE AND ANTI-CORRUPTION BUREAU,
NEAR GENERAL HOSPITAL, THIRUVANANTHPURAM-695 004.**
 - 4. SUPERINTENDENT OF POLICE,
O/O. THE SUPD. OF POLICE, VACB, CENTRAL RANGE,
KOCHI - 682 018.**
 - 5. PUBLIC INFORMATION OFFICER,
O/O. THE SUPDT. OF POLICE, VACB, CENTRAL RANGE,
KOCHI - 18.**

R BY SRI.P.P.PADMALAYAN, GOVERNMENT PLEADER

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03-08-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DG

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P.A TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

W.A.No. 1463 of 2015

Dated this the 3rd day of August, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.We have heard the learned counsel for the appellant/writ petitioner quite in extenso. We have also heard the learned Senior Government Pleader.

- 2.The petitioner made a complaint seeking a vigilance enquiry against a person who was a police personnel at the relevant time. It appears that after the coming into force of the Right to Information Act, the petitioner was able to access the enquiry report which ultimately stood closing the issue. Petitioner wanted further documents. He moved this Court seeking a direction to give him the copies of those documents. The establishment came out saying that the documents now sought for are not available. The learned single Judge was not, therefore, unjustified in refusing to issue a direction in the nature of mandamus. It was also not a case where exemplary costs for damages could have been awarded. The finding in this regard by the learned single Judge also does not merit

interference.

3.However, one thing is certain. The petitioner; a person who made a complaint about police interference; has not found his remedy with all the exercise that he had been carrying out for raking up the case now. Obviously, his other remedies under the Kerala Police Act, including before the Police Complaints Authority may help him out, provided, such action is within the format of law. Hence, the dismissal of this writ appeal will not stand in the way of any such proceedings being initiated by the petitioner. We also leave open the right of the petitioner to seek damages or compensation for not serving the copies as sought for, though it could not have been granted by the learned single Judge through the writ petition.

Subject to what is stated above, this writ appeal is dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(SUNIL THOMAS, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG