

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(C).No.2499 of 2014 (J)

PETITIONER/ACCUSED:

**S.P.PADMAKUMAR,AGED 40 YEARS,
S/O.PADMANABHAN NAIR,'NDEEVARAM',PALLIVILA,
VATTAPPARA P.O,THIRUVANANTHAPURAM.**

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENT'S:

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
HOME DEPT.,GOVT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. SUSEELA,W/O.SASIDHARAN NAIR,
SMITHA BHAVAN,CHEMPAZHANTHAY,
THIRUVANANTHAPURAM-695587.**
- 3. S.KRISHNAKUMARY,ADVOCATE & NOTARY,
OPPOISTE KERALA ADMINISTRATIVE TRIBUNAL,
TC 25/3257 (1),VANCHIYOOR,
THIRUVANANTHAPURAM-695035.**

**R1 BY PUBLIC PROSECUTOR SRI.C.RASHEED.
R2 BY ADV.SRI.SABU S.KALLARAMOOLA.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.2499 of 2014 (J)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1:TRUE COPY OF THE VAKALATH.

EXHIBIT P2:TRUE COPY OF THE ORDER DATED 28-05-2011.

**EXHIBIT P3:TRUE COPY OF THE NOTIFICATION NUMBER G.O RT 1610/2011
HOME DATED 28/0511.**

**EXHIBIT P4:TRUE COPY OF CIRCULAR DATED 29.11.2014 NO.95313/C4/2014/
HOME BY ADDL.CHIEF SECRETARY.**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.

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W.P.(C).No. 2499 of 2014

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Dated this the 5th day of June, 2015

J U D G M E N T

The main prayer in this Writ Petition (Civil) is for issue of a writ of certiorari or appropriate writ to quash Exts.P-2 and P-3, whereby the State Government has appointed contesting respondent No.3 as Special Prosecutor for the conduct of S.C.No.1611/2009 on the file of the court below concerned, Thiruvananthapuram. By Ext.P-2 G.O (Rt)No.1610/2011/Home dated 28.5.2011 and the consequential Ext.P-3 SRO dated 28.5.2011 issued in pursuance thereof, the Government had appointed the said contesting respondent No.3 as Special Public Prosecutor in the said case.

2. When the matter came up for consideration on 2.6.2015, the learned Director General of Prosecution/State Public Prosecutor had submitted that the State Government is seriously contemplating revocation of the appointment of the 3rd respondent as Special Public Prosecutor. This, obviously, was primarily in the context of the ground urged by the writ petitioner that the impugned Exts.P-1 and P-2 order of appointment as Special Public Prosecutor is vitiated by impropriety inasmuch as the contesting respondent No.3

had appeared as private counsel for the rival party concerned in some pending family litigations between the parties.

3. Today when the matter came up for consideration, the learned Director General of Prosecutor and State Public Prosecutor submitted, on instructions, from the State Government that the Government has considered the matter and taken a conscious decision that the appointment of the 3rd respondent as Public Prosecutor must be cancelled and formal orders in that regard will be issued without any further delay and copies of such order will be transmitted by the Government by registered speed post to the writ petitioner, District Prosecutor concerned, etc. Sri.Suman Chakravarthy, learned counsel for the petitioner submits that the main matter may thus closed in view of the aforementioned submission made on behalf of the State Government.

In view of these aspects, this Court is of the considered opinion that nothing survives for consideration on the merits of the matter and therefore the Writ Petition (Civil) is closed recording the above said submissions of the parties concerned.

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///True copy///

P.S. to Judge

Sd/-
ALEXANDER THOMAS, JUDGE

