

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.T. SANKARAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P. JOSEPH

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 3538 of 2015 (N)

PETITIONERS:

1. A.G. ANILKUMAR, AGED 48 YEARS,
S/O. GOPALAN NAIR, PRESIDENT,
KERALA VYAPARI VYAVASAYI EKOPANA SAMITHI,
KODUMON UNIT (REG.NO.262/81)
VYAPARA BHAVAN, KODUMON JUNCTION,
KODUMON P.O., PATHANAMTHITTA DISTRICT-691 555.
2. THOMAS JOSE, AGED 60 YEARS,
S/O. THOMAS KOSHY, ANNES' BANKERS,
KODUMON P.O., PATHANAMTHITTA DISTRICT - 691 555.

BY ADVS. SRI. BECHU KURIAN THOMAS
SMT. TINA ALEX THOMAS
SRI. A.C. EAPEN

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
COLLECTORATE, PATHANAMTHITTA.
2. THE SUPERINTENDENT OF POLICE,
PATHANAMTHITTA DISTRICT.
3. SUNIL GEORGE, S/O. GEORGE THOMAS,
STAR VIEW, KODUMON P.O.,
PATHANAMTHITTA DISTRICT - 691 555.

BY GOVERNMENT PLEADER SRI. RAJESH VIJAYAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

- EXT.P1 TRUE COPY OF THE COMPLAINT DATED 10.9.2014 SUBMITTED BY THE KERALA VYAPARI VYAVASAYI EKOPANA SAMITHI BEFORE THE SECOND RESPONDENT.
- EXT.P1(a) TRUE COPY OF THE LETTER DATED 10.9.2014 WRITTEN TO THE SECOND RESPONDENT.
- EXT.P2 TRUE COPY OF THE COMPLAINT DATED 13.10.2014 SUBMITTED BEFORE THE SECOND RESPONDENT.
- EXT.P2(a) TRUE COPY OF THE RECEIPT ISSUED BY THE SECOND RESPONDENT FOR RECEIVING EXT.P2.
- EXT.P3 TRUE COPY OF THE INFORMATION DATED 31.10.2014 RECEIVED UNDER THE RIGHT TO INFORMATION ACT.
- EXT.P4 TRUE COPY OF THE FIR LODGED IN CRIME NO.1063/2014 OF KODUMON POLICE STATION DATED 2.11.2014.
- EXT.P5 TRUE COPY OF THE COMPLAINT DATED 17.11.2014.
- EXT.P5(a) TRUE COPY OF THE RECEIPT ISSUED FROM THE PUBLIC GRIEVANCE CELL.
- EXT.P6 TRUE COPY OF THE ORDER BEARING NO.24201/SS.A5/2014/HOME DATED 24.3.2014 PUBLISHING SRO NO.224/2014.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

AHZ/

**K.T.SANKARAN &
BABU MATHEW P. JOSEPH, JJ.**

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Dated this the 4th day of February, 2015

JUDGMENT

K.T.Sankaran, J.

The reliefs prayed for in the Writ Petition are the following:

- “(i) Issue a writ of mandamus or other appropriate writ, order or direction directing the 1st Respondent to consider Exhibit P5 in the light of Exhibits P3 and P4 and to take appropriate actions including an order detaining the 3rd Respondent in exercise of the powers vested in it under the provisions of the Kerala Anti-Social Activities (Prevention) Act, 2007 (Act 34 of 2007).

- (ii) Issue a writ in the nature of a declaration, declaring that on the basis of Exts.P3 and P4, 1st Respondent is duty bound to initiate proceedings under the Kerala Anti-Social Activities (Prevention) Act, 2007 (Act 34 of 2007) against the 3rd Respondent.

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- (iii) Issue such other appropriate writ order or direction that may be deemed to be just and equitable in the facts and circumstances of the case.”

2. In **Baby P.V. v. State of Kerala and Others** (2014(4) KHC 800 (DB)), a Division Bench of this Court held that there is no statutory or constitutional right for any person to compel issuance of a preventive detention proceeding or restraint proceeding under any preventive detention laws. In Baby P.V.'s case also a similar application was dealt with and the Writ Petition was dismissed. We follow the decision in **Baby P.V. v. State of Kerala and Others** (2014(4) KHC 800 (DB)).

The Writ Petition is not maintainable. Accordingly, the Writ Petition is dismissed.

(K.T.SANKARAN)
Judge

(BABU MATHEW P. JOSEPH)
Judge

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