

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 4189 of 2015 (W)

PETITIONER(S):

**SINOJ PAUL AGED 31 YEARS
S/O.XAVIER PAUL, CHIRAYATH HOUSE
MATHOORKUNNU P.O.- 680 684, NELLIPARAMBU, KODAKARA
THRISSUR DISTRICT.**

**BY ADVS.SRI.T.O.XAVIER
SMT.V.SETHUKUTTYAMMA**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT
GOVERNMENT SECRETARIAT, TRIVANDRUM - 695001.**
- 2. THE DIRECTOR GENERAL OF POLICE
KERALA - 695001.**
- 3. THE INSPECTOR GENERAL OF POLICE
SOUTH ZONE, THIRUVANANTHAPURAM - 695001.**
- 4. THE ASST. COMMISSIONER OF POLICE
CRIME DETACHMENT, KOCHI CITY, ERNAKULAM - 682 031.**
- 5. P.V.CHACKO,
FATHER'S NAME NOT KNOWN TO THE PETITIONER
CHAIRMAN LIS GROUP, PALACKEL HOUSE, KUTTUPPUMTHARA
MEMURI.P.O., KOTTAYAM DISTRICT - 686611.**
- 6. KURIACHAN CHACKO, S/O P.V CHACKO, MANAGING PARTNER, LIS (REG)
PALACKEL HOUSE,
KUTUPPUMTHARA, MEMURI.P.O.
KOTTAYAM DISTRICT - 686611.**
- 7. ACHAMA CHACKO, W/O.CHACKO
RESIDING AT PALACKEL HOUSE, KUTUPPUMTHARA, MEMURI P.O.
KOTTAYAM DISTRICT - 686611.**
- 8. LINU JOY,
W/O. JOY JOHN, PARTNER LIS (REG) PALACKEL HOUSE
KUTUPPUMTHARA, MEMURI P.O.
KOTTAYAM DISTRICT - 686611.**
- 9. M.V.PYLEE, FATHERS NAME NOT KNOWN TO THE PETITIONER
TRUSTEE, LIS NO.999, WARD NO.7
MOOLAMATTOM HOUSE, H.M.T POST, KALAMASSERRY
KOCHI - 683 104.**

R1-4 BY GOVERNMENT PLEADER SMT. P. MAYA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

**P1(A)- TO (C)- TRUE COPIES OF SOME OF THE ADVERTISEMENT PUBLISHED AT THE
INSTANCE OF RESPONDENTS 5 TO 9 IN MAGAZINE OF THEIR OWN**

P2- TRUE COPY OF HTE RECEIPT ISSUED TO THE PETITIONER

P3- A PUBLIC NOTICE ISSUED BY THE RESERVE BANK OF INDIA, DATED 10.5.2006

**P4- A TRUE COPY OF THE COMMUNICATION ISSUED BY THE 4TH RESPONDENT
2.12.2014**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

W.P.(C) No. 4189 of 2015

Dated this the 26th day of February, 2015.

J U D G M E N T

The writ petitioner herein seeks orders identifying and attaching the properties of the respondents. It is not known why the property should be attached. It is not known whether the petitioner is complainant or aggrieved or victim in any crime or complaint made or pending against the respondents. It appears that he wants action on Ext.P5. This is not at all a complaint alleging any criminal offence. His demand is for the money due from the respondents. For this he will have to file a civil suit. It is submitted by the learned Public Prosecutor that as per the directions of this court a settlement office has been established to settle the claims of persons entitled to get money from the respondents. The petitioner can very well approach the said office. Here the demand is to identify and attach the properties. When there is no crime pending and the petitioner does not point out any

specific object for such a relief, this court cannot invoke the extra ordinary powers and direct attachment of the property of the respondents. The petitioner does not specify the object of the attachment sought. I find that his remedy is elsewhere, and not under Article 226 of the Constitution of India.

Accordingly, this writ petition is dismissed.

P.UBAID,
JUDGE

sab