

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

WP(C).No. 12402 of 2010 (A)

PETITIONER :

JOHNY M.V., MUNDUMPAL HOUSE,
AYYAMPARAMBU, AKATHIYOOR P.O., KUNNAMKULAM-680 503.

BY ADVS.SRI.P.SHRIHARI
SRI.M.HARISHARMA

RESPONDENTS :

-
1. SECURITIES AND STOCK EXCHANGE BOARD
OF INDIA, SEBI BHAVAN, PLOT NO.C4-A
BANDRA-KURLA COMPLEX, BANDRA (E), MUMBAI-400 051
REPRESENTED BY ITS CHAIRMAN.
 2. THE REGIONAL MANAGER, SECURITIES AND
STOCK EXCHANGE BOARD OF INDIA, T.T.K.ROAD, ALWARPET
CHENNAI-18.
 3. N.PAREKH, NOMINEE OF SECURITIES AND
STOCK EXCHANGE BOARD OF INDIA AT COCHIN STOCK
EXCHANGE, P.B.NO.3529, VEEKSHANAM ROAD
ERNAKULAM, KOCHI-35,
NOW WORKING AT COCHIN COCHIN STOCK BROKERS LTD.
MES.DR.P.K. ABDUL GAFOOR MEMORIAL CULTURAL COMPLEX, 36/1565,
4TH FLOOR, JUDGE'S AVENUE, KALOOR, COCHIN - 682 017
 4. P.N.UNNIKRISHNAN, PROPRIETOR,
M/S.U VEE ASSOCIATES, 114, C.S.E.BROKER'S
COMPLEX, KACHERIPADY, ERNAKULAM.
 5. EXECUTIVE DIRECTOR, COUNCIL OF
MANAGEMENT, COCHIN STOCK EXCHANGE LTD., REG.OFFICE
P.B.NO.3529, VEEKSHANAM ROAD, ERNAKULAM
KOCHI-35, NOW WORKING AT MES DR.P.K.ABDUL GAFOOR
MEMORIAL CULTURAL COMPLEX, 36/1565, 4TH FLOOR
JUDGE'S AVENUE , KALOOR, COCHIN- 682 017

R1,2 BY ADV. SRI.K.M.JAMALUDHEEN
R5 BY ADV. SRI.KOSHY GEORGE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE REPLY DATED 14.02.1996 RECEIVED FROM THE 5TH RESPONDENT

EXT.P2 : COPY OF THE REPLY DATED 09.05.1996 ISSUED BY THE 5TH RESPONDENT

EXT.P3 : COPY OF THE SAID REPRESENTATION DATED 26.08.1996

EXT.P4 : COPY OF THE REMINDER DATED 26.11.1996 SENT TO THE 1ST AND 2ND RESPONDENTS

EXT.P5 : COPY OF THE JUDGMENT DATED 23.02.2002 IN ORIGINAL PETITION NO.5137/1997(J)

EXT.P6 : COPY OF THE ORDER DATED 04.12.2008 IN APPEAL NO.449/2008 PASSED BY THE APPELLATE AUTHORITY (UNDER R.T.I. ACT) OF THE BOARD

EXT.P7 : COPY OF THE REPRESENTATION DATED 08.01.2009

EXT.P8 : COPY OF THE STATEMENT OF COMPENSATION DATED 24.08.2009

RESPONDENTS' EXHIBITS :

EXT.R1(a) : COPY OF THE LETTER SENT BY SEBI TO THE COCHIN STOCK EXCHANGE DATED 7.9.1995

EXT.R1(b) : COPY OF THE LETTER SENT BY SEBI TO THE COCHIN STOCK EXCHANGE DATED 24.6.1996

EXT.R1(c) : COPY OF THE LETTER SENT BY SEBI TO THE COCHIN STOCK EXCHANGE DATED 12.12.1996

EXT.R1(d) : COPY OF THE LETTER SENT TO SEBI BY THE COCHIN STOCK EXCHANGE DATED 19.12.1996

EXT.R1(e) : COPY OF THE LETTER SENT BY 2ND RESPONDENT TO 4TH RESPONDENT DATED 8.6.2009

EXT.R1(f) : COPY OF THE LETTER SENT BY THE 4TH RESPONDENT TO 2ND RESPONDENT DATED 9.6.2009

EXT.R1(g) : COPY OF THE LETTER SENT BY CPIO TO THE PETITIONER DATED 13.1.2009

EXT.R1(h) : COPY OF THE LETTER SENT BY PETITIONER TO SEBI DATED 15.7.2009

EXT.R1(i) : COPY OF THE LETTER SENT BY PETITIONER TO THE SEBI DATED 24.8.2009

EXT.R1(j) : COPY OF THE LETTER SENT BY PETITIONER TO THE SEBI DATED 16.10.2009

EXT.R1(k) : COPY OF THE LETTER SENT BY PETITIONER TO THE SEBI DATED 28.10.2009

EXT.R1(l) : COPY OF THE LETTER SENT BY PETITIONER TO THE SEBI DATED 19.11.2009

EXT.R1(m) : COPY OF THE LETTER SENT BY PETITIONER TO THE SEBI DATED 19.01.2010

WP(C).No. 12402 of 2010 (A) :2:

EXTR1(n) : COPY OF THE LETTER SENT BY THE COUNSEL FOR SEBI

EXTR1(o) : COPY OF THE LETTER SENT BY PETITIONER TO THE SEBI DATED 28.7.2010

EXTR1(p) : COPY OF THE LETTER SENT BY COUNSEL FOR SEBI DATED 10.8.2010

/TRUE COPY/

P.A TO JUDGE

AV

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.12402 of 2010

Dated this the 30th day of November, 2015

J U D G M E N T

The petitioner has approached this Court seeking the following reliefs :

“a. Issue a Writ of Mandamus directing the Respondents 1 to 3 to conduct a detailed enquiry against Respondents 4 and 5 on the allegations set forth in Ext.P3 and Ext.P7, after giving an opportunity of hearing to the Petitioner by producing documentary as well as oral evidence and thereafter to issue directions and orders that are found necessary to meet the ends of justice;

b. Issue Writ of Mandamus or Order declaring that the inaction and omissions on the part of the Respondents 1 and 2 in not having taken any action so far on Ext.P3 and Ext.P7 in order to dispose of the same on merits is in violation of the statutory duties cast upon them as per the Securities and Exchange Board of India Act, 1992 and the Rules thereunder

c. Issue Writ of Mandamus or Order directing the Respondents to give compensation to the Petitioner as per Section 4(1)(a) of Securities Contract (Regulation) Act, 1956 and as per the provisions of Section 11 and Section 15-J of the Securities and Exchange Board of India Act.”

2. The learned counsel for the petitioner submits that, they have already relinquished the vakalath and intimated the same to the petitioner.

3. In the counter affidavit filed on behalf of respondents 1 & 2, a communication showing that, they have acted upon the

complaints of the petitioner, was also produced. It is pointed out that, the petitioner has filed O.P.No.5137 of 1997 for the same relief and the said original petition was dismissed for default by this Court as per Ext.P5 judgment.

In such circumstances, this Court is of the view that, nothing further survives in this writ petition and accordingly the same is dismissed.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

AV