

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No.9682 of 2015 (I)

PETITIONER:

**G.SISUPALAN,S/O.J.GEORGE,AGED 53 YEARS,
RESIDING AT GOVT. QUARTERS NO.39/452,
MELARANOOR,KARAMANA P.O,
THIRUVANANTHAPURAM,PIN-695002.**

**BY ADVS.SRI.B.VINOD
SRI.I.V.PRAMOD**

RESPONDENT'S:

- 1. STATE OF KERALA,
REPRESENTED BY ITS ADDITIONAL CHIEF SECRETARY
TO GOVERNMENT OF KERALA,
DEPARTMENT OF HOME & VIGILANCE,
GOVERNMENT SECRETARIAT,
TRIVANDRUM - 695001.**
- 2. ADDITIONAL CHIEF SECRETARY TO GOVERNMENT OF KERALA,
DEPARTMENT OF HOME & VIGILANCE,
GOVERNMENT SECRETARIAT,
TRIVANDRUM - 695001.**
- 3. COMMISSIONER OF RURAL DEVELOPMENT,
COMMISSIONERATE RURAL DEVELOPMENT,
SWARAJ BHAVAN,NANDANCODE,
TRIVANDRUM - 695 003.**
- 4. THE DIRECTOR,
VIGILANCE AND ANTI CORRUPTION BUREAU,
DIRECTORATE OF VACB,VIKAS BHAVAN POST OFFICE,
THIRUVANANTHAPURAM-695 033.**
- 5. PRINCIPAL SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT,THIRUVANANTHAPURAM - 695 001.**

R1 TO R5 BY SENIOR GOVT. PLEADER SRI.K.C.VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1-A TRUE COPY OF TH CHARGE LAID BY THE VACB DATED 17.5.2013,
BEFOR EHTE COURT OF THE HONOURABLE ENQUIRY COMMISSIONER
AND SPECIAL JUDGE, KOTTAYAM.**

**EXT.P2-A TRUE PHOTOCOPY O FHTE ORDER OF SANCTION TO PROSECUTE
NO.27694/ESST.A2/10/CRD DATED 4.6.2011 ISSUED BY THE RURAL
DEVELOPMENT COMMISSIONER.**

**EXT.P3-A TRUE PHOTOCOPY OF THE FIR IN VC 5/2009 DATED 2.7.2009 OF VACB
ALAPUZA.**

**EXT.P4-A TRUE PHOTOCOPY OF THE ORDER OF SANCTION TO PROSECUTE
NO.GO.(MS) NO.14/12/VIG(E) DEPARTMENT DATED 8.5.2012 ISUED BY
THE GOVERNMENT WITH RESPECT OF CERTIAN ORDER ACCUSED.**

**EXT.P5-A TRUE PHOTOCOPY RELEVANT PAGES OF THE REPORT OF THE
INTERNAL AUDIT OFFICER OF THE COMMISSIONERATE OF RURAL
DEVELOPMENT DATED NIL.**

**EXT.P6-A TRUE PHOTOCOPY OF THE NEWS ITEM PUBLISHED IN MALAYALA
MANORAMA REPORT DATED 23.2.2008 PERTAINING TO GHERAO AT THE
BDO BY DYFI.**

**EXT.P7-A TRUE PHOTOCOPY OF THE NEWS ITEM PUBLISHED IN MATHRUBHUMI
REPORT DATED 23.2.2008 PERTAINING TO GHERAO AT EH BOD BY DYFI.**

**EXT.P8-A TRUE PHOTOCOY OF THE NEWS ITEM PUBLISHED IN VEEKSHANAM
REPORT DATED 23.2.2008 PERTAINING TO GHERAO AT TEH BOD BY DYFI**

**EXT.P9-A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER DATED 7.2.2015 BEFORE THE ADDITIONAL CHIEF
SECRETARY HOME AND VIGILANCE ON 9.2.2014.**

**EXT.P10-A TRUE COPY OF THE REVIEW PETITION BY THE PETITIONER TO THE
PRINCIPAL SECRETARY LOCAL SELF GOVERNMENT DEAPRTMENT,
DATED 7.2.2015.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.9682 of 2015

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Dated this the 8th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- “i) Issue a writ of mandamus, or any other writ in the nature of mandamus or any other order or direction commanding the second respondent to consider the representation Ext.P9 filed by the petitioner for withdrawal of prosecution in VC 5/2009 of VACB Alappuzha as against the petitioner now pending trial as CC 44/2013 before the Enquiry Commissioner and Special Judge, Kottayam.
- ii) Issue a writ of mandamus, or any other writ in the nature of mandamus or any other order or direction commanding fifth respondent to consider the representation Ext.P10 filed by the petitioner.
- iii) Issue any other appropriate writ order or direction that this Hon'ble Court may deem fit and proper in the interest of justice in this case.

2. Heard the learned Counsel for the petitioner as well as the learned Government Pleader.

4. During the course of hearing, the learned counsel for the petitioner submits that, the grievance has already been projected by way of Ext.P9 before the second respondent and that the petitioner will be satisfied, if a direction is given

to the said respondent to have it considered and finalized within a reasonable time.

6. After hearing both the sides, this Court finds it not necessary to go into the merits of the case. The writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P9 in accordance with law, after affording an opportunity of hearing to the petitioner at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment. It is made clear that this Court does not express anything with regard to the merits of the case as pointed out from the part of the petitioner. It is open for the 2nd respondent to consider the same with independent application of mind and to pass appropriate orders accordingly.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the second respondent for further steps.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE