

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C) .No. 11127 of 2015 (S)

PETITIONER(S) :-

P.D.JOSEPH,
EDITOR, CAESOR NEWS, THIROOR
THRISSUR - 680 581.

BY ADV. SRI.P.D.JOSEPH (PARTY IN PERSON)

RESPONDENT(S) :-

1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY TO GOVERNMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE SECRETARY,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
3. THE DIRECTOR GENERAL OF POLICE,
KERALA STATE, THIRUVANANTHAPURAM - 695 001.
4. K.AJITH M.L.A.,
MLA QUARTRS, PMG NAGAR, THIRUVANANTHAPURAM - 695 001.
5. SIVANKUTTY M.L.A.,
MLA QUARTERS, PMG NAGAR, THIRUVANANTHAPURAM - 695 001.
6. K.T.JALIL M.L.A.,
MLA QUARTERS, PMG NAGAR, THIRUVANANTHAPURAM - 695 001.
7. K.KUNJAMMED M.L.A.,
MLA QUARTERS, PMG NAGAR, THIRUVANANTHAPURAM -695 001.
8. E.P.JAYARAJAN M.L.A.,
MLA QUARTERS, PMG NAGAR, THIRUVANANTHAPURAM - 695 001.

BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 09-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

WP(C).No. 11127 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1: TRUE COPY OF THE ENGLISH NEWSPAPER INDIAN EXPRESS
DATED 16/3/2015.

EXT.P2: TRUE COPY OF THE NEWS PAPER DECCAN CHRONICLE DTD.
17/3/2015.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.11127 of 2015

Dated this the 9th day of September 2015

J U D G M E N T

Shaffique, J.

This writ petition is filed in the form of public interest litigation. The petitioner claims to be a layman with commitment towards matters concerned with Human Rights and he had approached this Court narrating an incident, by which, a Hartal was conducted by various political parties. The petitioner submits that large scale violence had taken place in the Legislative Assembly during the Budget on 13.3.2015 and a Hartal had been called on 14.3.2015. Several crimes happened in the Legislative Assembly and also during the Hartal, but the Government has not taken any action in the matter. The petitioner, therefore, sought for a direction to give details of the damages suffered on account of the aforesaid factual situation and also for a direction to take appropriate action against wrong doers, who had created nuisance in the Assembly as well as during the Hartal on 14.3.2015.

2. Statement was filed by respondents 1 to 3 inter alia stating that with reference to the incident that had taken place in

the Legislative Assembly, Crime No.236 of 2015 has been registered for offences punishable under Sections 447, 427 and 34 IPC read with Section 3(1) of the Prevention of Damage to Public Property Act, 1984 and the said case has now been entrusted to the CBCID for further investigation as per Government Order dated 17.3.2015. Further, it is stated that with reference to various incidents on the same day on 13.3.2015 as well as on other days, several crimes were registered by the police as Crime Nos.236/2015, 241/2015, 231/2015, 233/2015, 234/2015, 232/2015, 237/2015, 302/2015, 402/2015, 403/2015, 407/2015 and 265/2015. These crimes had been registered by different police stations on account of various crimes reported and those, which have come to notice of the police.

3. Having regard to the fact that appropriate measures have already been taken by the police authorities by registering crimes and directing investigation to be conducted in these matters, we do not think that the apprehension expressed by the petitioner in this regard is well founded. As far as the claim for damages is concerned, it is for the persons who had actually suffered damages to approach the competent authorities or the Court, as the case may be, to claim damages. This Court cannot

-: 3 :-

direct the Government to assess the damages, in the absence of any material to substantiate the same.

Under such circumstances, we take on record the statement filed by respondents 1 to 3 and close this writ petition. However, we only observe that the investigation shall be conducted into the aforesaid crimes as early as possible, in accordance with the procedure prescribed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE