

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYASHTA, 1937

W.P.(C).No.11714 of 2015 (L)

PETITIONER(S):-

GOPALAKRISHNAN NAIR, AGED 56 YEARS, S/O. GOVINDAN NAIR,
KOZHICHERRIL VEEDU, VADAKKUM MURI,
THULAMPARAMBU, HARIPPAD VILLAGE, ALAPPUZHA.

BY ADV. SRI.K.SUBASH CHANDRA BOSE.

RESPONDENT(S):-

1. DEPUTY COLLECTOR (VIGILANCE),
OFFICE OF THE DEPUTY COLLECTOR OF VIGILANCE,
SOUTHERN REGION, CIVIL STATION, KUDAPPANAKKUNNU P.O.,
THIRUVANANTHAPURAM-695 043.
2. SUB INSPECTOR OF POLICE,
VACB UNIT, ALAPPUZHA-690514.
3. KUTTAPPAN NAIR,
KOZHICHERRIL VEEDU, THULAMPARAMBU NORTH,
MANNARASALA P.O., HARIPPAD, ALAPPUZHA-690 550.
4. JAGADHAMMA, W/O. KUTTAPPAN NAIR, KOZHICHERRIL VEEDU,
THULAMPARAMBU NORTH, MANNARASALA P.O., HARIPPAD,
ALAPPUZHA-690 550.
5. RETNAKUMARI AMMA, D/O. RAJAMMA, THIRUVANICKAL VEEDU,
THIRUVANICKAL VEEDU, THULAMPARAMBU, VADAKKUM MURI,
HARIPPAD VILLAGE, ALAPPUZHA-690 550.

R1 & R2 BY SENIOR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.11714 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1 : COPIES OF THE BASIC TAX RECEIPTS SHOWING THE REMITTANCE OF BASIC TAX BY PETITIONER ON 5.2.2003, 7.8.2007, 4.7.2014.
- EXT.P2 : COPY OF THE PLAINT IN OS NO.284/2012 FILED BEFORE THE MUNSIF COURT, HARIPPAD DTD.12.11.2012.
- EXT.P3 : COPY OF THE PLAINT IN OS NO.115 OF 2013 FILED BEFORE THE MUNSIF COURT, HARIPPAD DATED NIL.
- EXT.P4 : COPY OF THE PLAINT IN OS NO.162 OF 2013 FILED BEFORE THE MUNSIF COURT, HARIPPAD DATED NIL.
- EXT.P5 : COPY OF THE PLAINT IN OS NO.33 OF 2014 FILED BEFORE THE MUNSIF COURT, HARIPPAD FOR GETTING SHARE OF PLAINTIFF.
- EXT.P6 : COPY OF THE NOTICE DTD.29.1.2015.
- EXT.P7 : COPY OF THE NOTICE RECEIVED FROM THE OFFICE OF 1ST RESPONDENT DTD.2.3.2015.

RESPONDENT(S)' EXHIBITS/ANNEXURES:-

ANNEXURE R2(a) TRUE COPY OF THE COMPLAINT DATED 08.01.2015.

vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.11714 of 2015-L

Dated this the 08th day of June, 2015

JUDGMENT

The petitioner was aggrieved with the notices issued at Exhibits P6 and P7, respectively by the 2nd respondent and 1st respondent. The petitioner was directed to appear before the respondents with respect to a complaint filed by one Kuttappan Nair, the 3rd respondent herein.

2. The specific contention of the petitioner is that, there are certain property disputes with respondents 4 and 5, who are family members, and the same are pending before the Civil Court. Exhibit P2 is a suit filed by the 4th respondent before the Munsiff Court, Harippad, wherein easement is claimed; and Exhibit P3, again filed by the very same respondent, is for declaration of title and ancillary prayers for fixation of boundary, etc. The petitioner is the defendant in both the said suits. The petitioner, on his own accord, has filed Exhibit P4 suit before the very same Court, wherein the respondents 4 and 5 are the defendants. The same again is for

declaration of title as also for fixation of boundaries. Exhibit P5 is yet another suit filed by the petitioner, in which the respondents 4 and 5 are also defendants, which is said to be a suit for partition. The petitioner's specific contention is that he has obtained the property in question by a deed of partition, for which he had been paying tax right from 1994 and the receipts of certain years, of 2003, 2007 and 2014, are produced as Exhibit P1 series.

3. The 2nd respondent has filed a statement, in which he has stated that a complaint was received from the 4th respondent that a Thandapper was assigned with respect to a property, to the petitioner herein illegally, by the Revenue officials and, hence, the petitioner was called for an enquiry. It is submitted that twice he was called by the 2nd respondent and now the enquiry is over and a report is scheduled to be filed to the Deputy Superintendent of Police, Vigilance and Anti-Corruption Bureau, Alappuzha.

4. In the above circumstance, recording the submission of the 2nd respondent that no summons would be issued to the petitioner, the writ petition is closed. Though the petitioner has produced Exhibit P7 notice issued by the 1st respondent, no statement has been filed by the 1st respondent; nor is there any

reference to the said notice in the statement filed by the 2nd respondent. The enquiry having been conducted by the 2nd respondent, to whom the complaint is said to have been forwarded by the 1st respondent, no enquiry would be conducted by the 1st respondent. In that view of the matter, neither the 2nd respondent nor the 1st respondent shall summon the petitioner since the enquiry contemplated under Exhibits P6 and P7 notices is said to be over.

Ordered accordingly.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]