

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

W.P.(C).No. 27590 of 2003 (H)

PETITIONER(S):

- 1. COASTAL ENERGY PVT. LTD,
NO. 5, MOORES ROAD, CHENNAI - 600 006
REPRESENTED BY AUTHORIZED SIGNATORY
SRI. LAKSHMI NARAYANA A, SR. MANAGER (COMMERCIAL).**
- 2. MR. BALASUBRAMANIAM, S/O. LATE C.K. SUNDARAM,
NEW NO. 10, 1ST FLOOR, 4TH CROSS STREET,
SASTRI NAGAR, ADAYAR, CHENNAI - 600 020.**

**BY ADVS. SRI. K. ANAND
SMT. LATHA KRISHNAN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY,
HOME DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. DIRECTOR OF VIGILANCE INVESTIGATION,
THIRUVANANTHAPURAM.**
- 3. SUPDT. OF POLICE, V.A.C.B., COCHIN.**

BY GOVERNMENT PLEADER SRI. ABHIJETT LESSLI

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

W.P.(C).No. 27590 of 2003 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P-1: TRUE COPY OF THE REPRESENTATION DATED 12.03.2002 MADE BY THE
1ST PETITIONER BEFORE DIRECTOR OF VIGILANCE.

EXT. P-2: TRUE COPY INTIMATION DATED 10.06.2002 RECEIVED BY THE 1ST
PETITIONER.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

WW

A.M.SHAFIQUE, J

W.P.(C)No.27590 of 2003

Dated this the 23rd day of June, 2015

JUDGMENT

The first petitioner is a company and the second petitioner being the Sr.Manager (Commercial) submits that he is competent to represent the company. They have a contract with M/s.Malabar Cements Ltd and certain enquiries by Vigilance Department has been proceeding. It is stated that the petitioners on understanding about the vigilance enquiry submitted Ext.P1 representation to the Director of Vigilance explaining the terms of contract and other factual aspects involved in the transaction with M/s.Malabar Cements Ltd. However, by Ext.P2 notice dated 10.06.2002, the Dy.Superintendent of Police has called upon one Sri.M.Ravi Kumar of the first petitioner company to provide necessary details as stated therein. This was with reference to the vigilance enquiry in case No.9/2002. The petitioners contend that the enquiry is malafide and illmotivated. It is also stated that the investigation will adversely affect the reputation and

goodwill of the petitioners and therefore the following reliefs are sought for;

“(a) Direct the Respondents 2 & 3 to call for all records leading to Exts.P1 & P2 and issue a writ of mandamus or any other appropriate writ, order or direction and direct the respondents to produce the report of the investigation pursuant to Exts.P1 and P2,

(b) Stay all other proceedings pursuant to the alleged FIR initiated against the 2nd Petitioner until the investigation report is finalized and produced before this Hon'ble Court.

c) Issue a direction to Respondents 2 & 3 that in case the investigation is not completed, the same shall be completed within a time prescribed by this Hon'ble Court.”

2. Counter affidavit has been filed by the third respondent interalia indicating that in respect of the transaction the petitioners had with M/s.Malabar Cements Ltd, several enquiries had been conducted and the investigation is under progress. According to the third respondent, there are prima facie materials to indicate the involvement and the commission of offence by the petitioners. It is also pointed out that the investigation was still under progress and present writ petition has been filed only to delay the said process. It is also pointed out that another writ petition was filed by the Managing Director of M/s.Malabar

Cements Ltd challenging the very same enquiry which ultimately was dismissed by this Court.

3. The third respondent, in his counter affidavit has in detail given the particulars of the enquiry being conducted which I do not want to repeat. The fact remains that the vigilance department was conducting an enquiry into various allegations raised against M/s.Malabar Cements Ltd and the endeavour was to find out whether any officers of the petitioner company and the petitioner company is involved in the allegations raised.

4. Having regard to the aforesaid facts and circumstances and the limited scope for interference by this Court in an enquiry being conducted by the vigilance department, I do not think that this Court will be justified in issuing any direction as prayed for.

Accordingly without prejudice to the right of the petitioners to take appropriate proceedings in accordance with law, this Writ Petition is dismissed.

Sd/-
A.M.SHAFIQUE
JUDGE

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//TRUE COPY//

P.A. TO JUDGE