

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

WP(C).No. 13506 of 2015 (K)

PETITIONER(S):

NAVEEN VISWANATHAN, AGED 31 YEARS,
S/O.N.VISWANATHAN NAIR, CHAKKANATTU HOUSE, EDAYAZHAM,
CHECHOOR.P.O, VAIKOM, KOTTAYAM.

BY ADVS.SRI.R.SANJITH
SMT.C.S.SINDHU KRISHNAH

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. DISTRICT POLICE CHIEF,
THE OFFICE OF COMMISSIONER OF POLICE, KOCHI CITY,
ERNAKULAM-682016.
3. SUB INSPECTOR OF POLICE,
JANAMYTHRI POLICE STATION, PALARIVATTOM, ERNAKULAM.
4. JOINT REGIONAL TRANSPORT OFFICER,
THE SUB REGIONAL TRANSPORT OFFICE,
MUNICIPAL BUILDING, HOSPITAL ROAD, VAIKOM,
KERALA-686141.
5. M/S.CORAL SHELTERS & BUILDERS PVT. LTD.,
32/1950A, NH BYPASS, EDAPPALLY P.O.,
KOCHI-682024, REPRESENTED BY ITS MANAGING DIRECTOR.
6. SUNIL SREEDHAR,
AGE NOT KNOWN TO THE PETITIONER,
FATHERS NAME NOT KNOWN TO THE PETITIONER,
MANAGING DIRECTOR,
M/S.CORAL SHELTERS & BUILDERS PVT.LTD, 32/1950A
NH BYPASS, EDAPPALLY P.O., KOCHI-682024.
7. MAHINDRA AND MAHINDRA FINANCIAL SERVICES LTD.,
31/1149E, 1ST FLOOR, K.P.CHEKUTTY'S MANSION,
SCB ROAD, CHETTICHIRA, VYTILA P.O.,
COCHIN-682019, REPRESENTED BY ITS BRANCH MANAGER.

R1 TO R4 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA
R5-R6 BY ADV. SRI.RENI ANTO KANDAMKULATHY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 TRUE COPY OF THE RELIEVING LETTER ISSUED BY THE 6TH RESPONDENT.

EXT.P2 TRUE COPY OF THE LETTER ISSUED BY THE 6TH RESPONDENT.

EXT.P3 TRUE COPY OF THE COMPLAINT DATED 18/03/2015.

EXT.P3(A) TRUE COPY OF RECEIPT BEARING NO.70/15 DATED 18/03/2015.

EXT.P4(A) TRUE COPIES OF THE CHARGE MEMOS DATED 02.02.2015 AND ISSUED BY THE POLICE DEPARTMENT.

EXT.P4(B) TRUE COPY OF THE CHARGE MEMO DATED 31/03/2015 ISSUED BY THE POLICE DEPARTMENT.

EXT.P4(C) TRUE COPY OF THE CHARGE MEMO DATED 13/04/2015 ISSUED BY THE POLICE DEPARTMENT.

EXT.P4(D) TRUE COPY OF THE CHARGE MEMO DATED 16/04/2015 ISSUED BY THE POLICE DEPARTMENT.

EXT.P4(E) TRUE COPY OF THE CHARGE MEMO DATED 21/04/2015 ISSUED BY THE POLICE DEPARTMENT.

EXT.P5 TRUE COPY OF THE CHARGE MEMO DATED 11/03/2015 ISSUED BY THE MOTOR VEHICLES DEPARTMENT.

EXT.P6 TRUE COPY OF THE DETAILS OF PENALTY DUE ON VEHICLE NO.KL 36 D 4431 AS AVAILABLE IN THE WEBSITE WWW.PAYMENT.KERALAPOLICE.GOV.IN/E.PAYMENT.COM.

EXT.P7 TRUE COPY OF THE LETTER DATED 17/03/2015.

EXT.P7(A) TRUE COPY OF POSTAL ACKNOWLEDGMENT CARDS.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.13506 of 2015

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Dated this the 1st day of June, 2015

JUDGMENT

Aggrieved by the inaction on the part of the respondents 3 and 4 in taking appropriate action on Ext.P3 complaint and Ext.P7 letter respectively submitted by the petitioner against the alleged illegalities committed by the 6th respondent using the vehicle purchased in the name of the petitioner while he was in service of the respondent company, the petitioner has come up before this Court.

2. The petitioner alleges that he is a permanent resident of Vaikom at Kottayam and was working as Manager (Sales and Marketing) under the 5th respondent company. He further alleges that he had resigned from the 5th respondent through his letter dated 8.12.2014 and his resignation was accepted vide letter dated 7.1.2015 issued by the 6th respondent in his capacity as the Managing Director of the company.

3. The petitioner further alleges that due to the negligence and dereliction of duty on the part of respondents 3 and 4, he is put to irreparable loss and injuries. The 6th respondent, his men and agents are intentionally and deliberately indulging in committing offenses using the aforesaid vehicle, which is in possession and custody of the 5th respondent. The petitioner points out that he is already in receipt of Ext.P4 series and Ext.P5 charge memo for over speeding using the aforesaid vehicle and the date of violation is subsequent to the 6th respondent taking possession of the vehicle.

4. The petitioner apprehends that the vehicle in question would be utilised for committing grave offenses and in such circumstance, he would be unnecessarily dragged into heinous crimes affecting the future life and career. The 6th respondent is acting with *mala fide* intention by harassing the petitioner since he was resigned from service of the respondent company. Though he preferred Exts.P3 and P7, no action has been taken on the same by the authorities

concerned. It is with this background, the petitioner has approached this Court.

5. Arguments have been heard.

6. As the only grievance of the petitioner is that his complaints were not considered by the respondents, the writ petition is disposed of with a direction to respondents 3 and 4 to consider Exts.P3 and P7 after affording the petitioner an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment. To facilitate early action, it shall be open to the petitioner to produce a copy of this judgment along with Exts.P3 and P7 before the respondents concerned.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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