

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 13750 of 2015 (P)

PETITIONER :

**SHAILAJA P., AGED 37 YEARS,
W/O. MURALI. S, OPAYANGAPPADAN, CHAMAKUZH
KINANOOR, KASARGOD, PERIYANGANAM - 671314**

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS :

- 1. VIGILANCE AND ANTI CORRUPTION BUREAU
DIRECTOR, THIRUVANANTHAPURAM 695001**
- 2. SUPERINTENDENT OF POLICE,
VIGILANCE & ANTI CORRUPTION BUREAU NORTHERN RANGE,
KOZHIKOE 673001**
- 3. DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE & ANTI CORRUPTION BUREAU NORTHERN RANGE,
KOZHIKOE 673001**
- 4. INSPECTOR OF POLICE
VIGILANCE & ANTI CORRUPTION BUREAU NORTHERN RANGE,
KOZHIKOE 673001**

R1 TO R4 BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 18.6.2012.
- EXHIBIT P2: TRUE COPY OF THE REPORT FOR THE 4TH RESPONDENT
DATED 10.10.2012
- EXHIBIT P3: TRUE COPY OF THE PETITION DATED 12.10.2012 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P4: TRUE COPY OF THE VIGILANCE ENQUIRY REPORT DATED 5.8.2014
SUBMITTED BY THE 3RD RESPONDENT.
- EXHIBIT P5: TRUE COPY OF THE FORWARDING ENDORSEMENT DATED 25.8.2014.
- EXHIBIT P6: TRUE COPY OF THE ELECTORAL IDENTITY CARD OF THE
PETITIONER.
- EXHIBIT P7: TRUE COPY OF THE ADHAR CARD OF THE PETITIONER

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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W.P (Civil) No. 13750 of 2015

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Dated this the 23rd day of July, 2015

J U D G M E N T

The prayers in this Crl.M.C are as follows:

- “i) Issue a Writ in the nature of Certiorari or any other appropriate writ quashing Ext. P4 Vigilance enquiry report and Exhibit P5 forwarding note.
- ii) Issue a Writ in the nature of Mandamus or any other appropriate writ, order or direction directing the respondents to a fresh enquiry in the light of observations in Exhibit P2 report.
- iii) Allow this Writ Petition.
- iv) Grant such other relief, which this Hon'ble Court may be pleased to grant in the facts and circumstances of the case.”

2. The learned State Attorney on instructions submits that the complaint in question was submitted by the petitioner to the Vigilance and Anti Corruption Bureau and the competent Bureau officials concerned had directly decided to conduct a surprise check in the matter by way of preliminary enquiry and that Ext.P2 is the report thereof. It is further submitted on instructions by the learned State Attorney that since the petitions/complaint in question was submitted by the petitioner herein not to the Court of Enquiry Commissioner and Special Judge but directly to the Vigilance and Anti Corruption Bureau and that in such cases taken so directly

there is no practice of submitting such report after the conclusion of such quick verification/preliminary enquiry, if the finding in the recommendation therein is not for registration of any crime. Ext.P4 is stated to be the report after the conclusion of such quick verification/ preliminary enquiry wherein recommendation is not for registration of any crime but to close the proceedings. Therefore, it is pointed out by the learned State Attorney on behalf of the respondent that the petitioner cannot seek any directions to the Court of Enquiry Commissioner and Special Judge to take any decision on Ext. P4 report as the said report has not been filed before that court because it is not necessary as per the accepted procedure as in the facts of this case. Therefore, it is pointed out by the learned State Attorney that if the petitioner has any grievances in the matter, it is for him to seek appropriate remedies in accordance with law. In the circumstances, Sri. T.K Vipindas, learned counsel for the petitioner submits that leave may be granted to the petitioner to approach the Court of Enquiry Commissioner and Special Judge in appropriate proceedings to ventilate his grievances for effectuating the proper conduct of such preliminary enquiry and that the petitioner intends to utilize Exts.P2 and P4 as

one of the materials in aid of his contentions that may be advanced before that forum.

Accordingly, this W.P(C) is closed with liberty to the petitioner to invoke appropriate remedies in accordance with law.

sd/-

sab

ALEXANDER THOMAS, JUDGE