

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

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

WP(C).No. 15462 of 2015 (G)

PETITIONER :

M. RAFI,  
S/O. MUHAMMAD, AGED 43 YEARS  
MUBARAQ MANZIL, CHETTIAR NAGAR  
CHANDRAPURAM, WALAYAR DAM P.O.,  
PALAKKAD-24.

BY ADVS.SRI.T.V.GEORGE  
SRI.JIMMY GEORGE (THADATHIL)

RESPONDENT(S) :

1. EMILY, W/O R. PETER,  
PANCHAYAT MEMBER, SANJEEV HOUSE  
CHANDRAPURAM, WALAYAR DAM P.O., PALAKKAD-678624.
2. S.K.ANATHAKRISHNAN  
S/O. SIVARAMAN, AGED 52 YEARS  
SANKARANKANDATH HOUSE  
K.N.PUTHOOR, PIN:678621.
3. V.SIVAN  
S/O. VELUCHAMMY  
PWD CONTRACTOR, CHANDRAPURAM  
WALAYAR DAM P.O., PALAKKAD-678 624.
4. KRISHNA KUMAR, ASST. ENGINEER,  
PUTHUSSERY GRAMA PANCHAYATH,  
WALAYAR-678 624.
5. M.SUKUMARAN  
DEPUTY SUPERINTENT OF POLICE  
VIGILANCE & ANTI-CORRUPTION, PALAKKAD-678 624.
6. DIRECTOR OF VIGILANCE & ANTI-CORRUPTION BUREAU  
THIRUVANANTHAPURAM-695 001.

R5 & R6 BY ADDL.DIRECTOR GENERAL OF PROSECUTION  
SRI. TOM JOSE PADINJAREKKARA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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- EXHIBIT P1: TRUE COPY OF THE WRITTEN COMPLAINTS FILED BY ELECTED REPRESENTATIVES REPRESENTING WARD NO.7, BEFORE THE PRESIDENT OF PUTHUSSERY GRAMA PANCHAYAT.**
- EXHIBIT P2: TRUE COPY OF THE WRITTEN COMPLAINTS FILED BY ELECTED REPRESENTATIVES REPRESENTING WARD NO:9, BEFORE THE PRESIDENT OF PUTHUSSERY GRAMA PANCHAYAT.**
- EXHIBIT P3: TRUE COPY OF THE MASS PETITION FILED BY 146 PEOPLE IN THE PANCHAYAT BEFORE THE PRESIDENT OF PUTHUSSERY GRAMA PANCHAYAT.**
- EXHIBIT P4: TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE VIGILANCE COURT, THRISSUR.**
- EXHIBIT P5: TRUE COPY OF THE TENDER SCHEDULE PUBLISHED BY PUTHUSSERY GRAMA PANCHAYAT FOR WALAYAR DRINKING WATER SUPPLY SCHEME.**

**RESPONDENT(S)' EXHIBITS : NIL**  
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**//TRUE COPY//**

**P.S. TO JUDGE**

**Mn**

ALEXANDER THOMAS, J.

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Dated this the 23<sup>rd</sup> day of June, 2015.

J U D G M E N T

The prayers in the Writ Petition are as follows:

- “i) To call for the entire records relating to the above case.
- ii) To issue a writ of mandamus commanding the 6<sup>th</sup> respondent to entrust the investigation of the complaint, against the respondents 1 to 4 contained in Ex P1 to P4, with a Vigilance Police Officer not below the rank of a Superintendent of Police in the Vigilance Depart, directing him to conduct a proper and impartial investigation in the matter and to file report within a specified period as fixed by this Hon'ble Court.”

2. In terms of the directions issued by this Court, the Deputy Superintendent of Police, Vigilance and Anti Corruption Bureau, Palakkad conducted the preliminary quick verification enquiry and has filed a detailed statement dated 8.6.2015. In paragraph 12 of the said report, it is stated that the Quick Verification Report prepared by the verification officer will be subject to in-depth scrutiny by Superintendent of Police and Director, VACB and shortcomings, if any, in the enquiry will be corrected in due course. It is further pointed out by the petitioner herein, who is the applicant in the petition filed before

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the Court of Enquiry Commissioner and Special Judge has not even prayed for an investigation by officer of the rank of Superintendent of Police. Further the C.M.P filed by the petitioner herein is still under consideration before the Court of Enquiry Commissioner and Special Judge, Thrissur and the same is now posted to 24.7.2015. On submission of the Quick Verification Report before the court below, it is for the petitioner, who is the complainant in the C.M.P. to submit his objection/protest petition against the findings of the QVR before the court below before the next posting. It is open to the petitioner to submit his detailed objections and submissions in respect of the alleged deficiencies of the preliminary enquiry/QVR conducted by the 1<sup>st</sup> respondent and these written submission shall be made by the petitioner before the Superintendent of Police, VACB, Palakkad as well as to the Director of VACB. The Superintendent of Police, VACB will call for the entire CD files in this matter and in-depth analysis as to whether the submissions and objections placed by the petitioner on the fairness and propriety of the investigation so far conducted by the 5<sup>th</sup> respondent are correct or not and as to whether enquiry so far conducted by the 5<sup>th</sup> respondent are proceeded in the correct and proper lines. To enable this, the petitioner will submit his written

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submission before the Superintendent of Police, VACB with a copy to the Director, VACB within one week from the date of receipt of the case file as directed. The Superintendent of Police, VACB will along with considered opinion of the report of the Deputy Superintendent of Police as well as objections of the petitioner will forward the case papers with his comments and opinion as aforestated to the Director, VACB. It is for the Director, VACB to take appropriate decision on the matter and then give necessary directions on the QVR to be submitted before the court below. On submission of such QVR before the court below, the Vigilance Enquiry Officer shall ensure that copy of the same shall be submitted to the petitioner herein so as to enable him to place his objections/applications before the Court of Enquiry Commissioner and Special Judge. It is further ordered that the court below will give a reasonable opportunity to the petitioner to place all his objections and submissions on all aspects of the matter relating to the impugned QVR enquiry and should also ensure that the copy of the QVR is supplied to the petitioner so as to enable him to place objections/submissions as aforestated. On completion of these formalities the court of Enquiry Commissioner and Special Judge, Thrissur will after giving reasonable opportunity of being heard to the prosecutor of the Vigilance

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Department and to the petitioner either in person or through his appointed counsel and then take a decision thereon. It is made clear that this Court has not made any observations regarding the merits of the matter. If the petitioner has any grievance in the decision so taken by the court below concerned, it would be open to him to workout his remedies in appropriate proceedings in accordance with law.

With these observations and directions, this Writ Petition stands finally disposed of.

ALEXANDER THOMAS,  
Judge.

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