

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

WP(C).No. 19787 of 2013 (S)

PETITIONER(S):

- 1. K.V.SREEVALSAN,S/O.VASUDEVAN,
SREEKANTESWARAM, "POKKANNALIL",
POOCHAKKAL POST, CHERTHALA TALUK,
ALAPPUZHA DISTRICT, PIN - 688 526.**
- 2. PRINCE JOSEPH,S/O.OUSEPH,
KAITHOTTATHIL HOUSE, POOCHAKKAL POST,
CHERTHALA TALUK, ALAPPUZHA DISTRICT, PIN - 688 526.**

**BY ADVS.SRI.P.V.VENUGOPAL
SRI.P.R.JAYAKRISHNAN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.**
- 2. PRINCIPAL SECRETARY TO GOVERNMENT,
GENERAL ADMINISTRATION (CO-ORDINATION) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN -695 001.**
- 3. SECRETARY TO GOVERNMENT FOR LAW DEPARTMENT,
LAW DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695 001.**
- 4. KERALA STATE WELFARE CORPORATION FOR FORWARD
COMMUNITIES LTD., OFFICE OF K.S.W.C.F.C LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR, L2 KULEENA,
JAWAHAR NAGAR, KAWDIYAR, THIRUVANANTHAPURAM,
PIN - 695 041.**
- 5. R.BALAKRISHNA PILLAI, KEEZHOOTU VEEDU,
KOTTARAKKARA TALUK, KOLLAM DISTRICT,PIN-691 506.**

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.P.I.DAVIS

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

WP(C).No. 19787 of 2013 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF MEMORANDUM OF ASSOCIATION OF THE KERALA STATE WELFARE CORPORATION FOR FORWARD COMMUNITIES LTD.**
- P2: COPY OF ARTICLES OF ASSOCIATION OF THE KERALA STATE WELFARE CORPORATION FOR FORWARD COMMUNITIES LTD.**
- P3: APPOINTMENT OF 5TH RESPONDENT AS CHAIRMAN OF "KERALA STATE WELFARE CORPORATION FOR FORWARD COMMUNITIES LTD" BEARING NO.G.O.(M.S) NO.221/2013/G.A.D DATED 23/7/2013.**
- P4: NEWS PAPER REPORT IN TIMES OF INDIA DAILY DATED 4/8/2013.**
- P5: NEWS PAPER REPORT TIMES OF INDIA DAILY DATED 5/8/2013**
- P6: COPY OF JUDGMENT V.S.ACHUTHANANDAN VS R.BALAKRISHNAPILLAI.**
- P7: COPY OF GOVERNMENT ORDER BEARING NO.G.O.(MS) NO.219/2013/G.A.D DATED 19/7/2013.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

**ASHOK BHUSHAN, CJ
& A.M.SHAFFIQUE, J.**

W.P.C.No.19787 of 2013

Dated this the 24th day of July 2015

J U D G M E N T

Shaffique, J

This writ petition has been filed by way of Public Interest Litigation seeking the following reliefs:

“i) To issue a Writ of Quo-Warranto requiring 5th respondent to show any right to hold the office as the Chairman of Kerala State Welfare Corporation for Forward Communities Ltd by virtue of section 274(d) of Companies Act as conviction and sentence in crime of corruption with moral turpitude is within 5 years time.

ii) Call forth all records leading to issuance of Articles of Association and struck down its clause 30(2) enabling chairman and non official members and substitute persons of economically backward sections among the forward community in lieu of members of forward communities alone.

lii) Call forth all records leading to issuance of Exhibit P3 Appointment order conferring Cabinet Rank and Executive powers and set aside the same by issuing a Writ of Certiorari as highly illegal, arbitrary and perverse.

iv) To issue a Writ of Mandamus commanding the Respondents 1-3 to afford recommendation to confer cabinet rank to its chairman Kerala Backward Development Corporation and scheduled caste converts corporation by virtue of Article 15(4) and 16 (4) of the constitution of India."

2. It is brought to the notice of this Court that the 5th respondent, against whom a writ of Quo-Warranto has been claimed, has requested for relieving him from his responsibilities. By order dated 19/03/2015, Government has accepted his resignation and he has been relieved of his responsibility as Chairman, Kerala State Welfare Corporation for Forward Communities Ltd. Under such circumstances, we do not think that there is any necessity to consider this writ petition at this stage of the proceedings.

Accordingly, this writ petition is closed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

