

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

WP(C).No. 27021 of 2015 (C)

CMP 65/2012 of ENQUIRY COMMISSIONER & SPECIAL JUDGE, THRISSUR

PETITIONER :

**T.CHANDRASEKHARAN, AGED 70 YEARS,
S/O.SANKUNNY NAIR, VISHAKAM HOUSE, SANTHI COLONY,
CHANDRA NAGAR P.O., PALAKKAD-678 007.**

**BY ADVS.SRI.G.KRISHNAKUMAR
SRI.K.A.ANI JOSEPH**

RESPONDENTS :

- 1. KERALA AGRICULTURAL UNIVERSITY
VELLANIKKARA DESOM
KERALA AGRICULTURAL UNIVERSITY P.O.
THRISSUR-680 656.**
- 2. CHANCELLOR
KERALA AGRICULTURAL UNIVERSITY,
(GOVERNOR OF KERALA STATE), RAJ BHAVAN
THIRUVANANTHAPURAM-695 099.**
- 3. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
AGRICULTURE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 4. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION BUREAU,
THRISSUR-680 070.**
- 5. THE DIRECTOR
VIGILANCE AND ANTI CORRUPTION BUREAU
P.M.G. VIKAS BHAVAN P.O., OPP.K.S.R.T.C DEPOT
THIRUVANANTHAPURAM-695 039.**

**R3 & R5 BY GOVERNMENT PLEADER SRI. S. SBDUL SALAM
BY SRI.BABU JOSEPH KURUVATHAZHA,SC,KERALA AGRICULTURAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE COMPLAINTS IN CMP NO.65/2012 FILED BEFORE THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE, THRISSUR.
- EXT.P2: TRUE COPY OF THE COMPLAINTS IN CMP NO.513/2012 FILED BEFORE THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE, THRISSUR.
- EXT.P3: TRUE COPY OF THE COMPLAINTS IN CMP NO.101/2013 FILED BEFORE THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE, THRISSUR.
- EXT.P4: TRUE COPY OF THE REPORT DATED 23/9/2013 FILED BY THE 4TH RESPONDENT IN EXT.P1.
- EXT.P5: TRUE COPY OF THE REPORT DATED 28/1/2014 FILED BY THE 4TH RESPONDENT IN EXT.P3.
- EXT.P6: TRUE COPY OF THE FINA REPORT OF THE 4TH RESPONDENT IN EXT.P1 COMPLAINT.
- EXT.P7: TRUE COPY OF THE FINA REPORT OF THE 4TH RESPONDENT IN EXT.P2 COMPLAINT.
- EXT.P8: TRUE COPY OF THE FINA REPORT OF THE 4TH RESPONDENT IN EXT.P3 COMPLAINT.
- EXT.P9: TRUE COPY OF THE COMMON ORDER DATED 5/11/2014 OF THE ENQUIRY COMMISSIONER AND SPECIAL JUDGE, THRISSUR.
- EXT.P10: TRUE COPY OF THE PETITION FILED U/S.19 OF THE PREVENTION OF CORRUPTION ACT TO THE 2ND RESPONDENT.
- EXT.P11: TRUE COPY OF THE COMMUNICATION DATED 20/2/2015 FROM SECRETARY OF THE 2ND RESPONDENT REJECTING EXT.P10.
- EXT.P12: COPY OF THE REPORT SUBMITTED BY THE FINANCE EXPENDITURE SECRETARY.
- EXT.P13: COPY OF THE GO 38568/AF2/2014/AD DT 5/1/2015.
- EXT.P14: COPY OF THE RELEVANT PAGES AND 26 REPORT OF THE COMMITTEE ON PUBLIC ACCOUNTS (2001-2004) OF THE KERALA LEGISLATIVE ASSEMBLY.
- EXT.P15: COPY OF THE REPORT, AUDIT EQUIRY NO. 88 OF THE SPECIAL AUDIT PARTY XII.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

B. KEMAL PASHA, J.

.....
W.P.(C) No.27021 of 2015
.....

Dated this the 25th day of September, 2015

J U D G M E N T

Ext.P11 order is under challenge. A sanction for prosecution has been sought for. It seems that the 2nd respondent has refused to grant sanction through Ext.P11 order, which is one passed without any discussion at all. Apart from stating that there is no specific allegation of commission of any offence, Ext.P11 does not contain any discussion, and therefore, it is evident that the matter has not been dealt with on merits by the 2nd respondent. The documents relied on by the petitioner were not considered.

2. Ext.P11 is *per se* illegal, irregular and improper

and the same is liable to be set aside.

In the result, this Writ Petition is allowed and Ext.P11 order passed by the 2nd respondent is quashed. The 2nd respondent is directed to consider the matter afresh in the light of the documents produced by the petitioner and to pass a speaking order.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge