

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 30606 of 2015 (S)

PETITIONER :

**RANGORATH GOKUL PRASAD,
S/O. LATE GOPINATHAN,AGED 48 YEARS, 13/393-D, A BLOCK,
CHEMMARIKKAT APARTMENTS, KALLIPADAM P.O.,
SHORANUR - 679 122.**

**BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE PRINCIPAL SECRETARY TO THE GOVERNMENT,
LAW DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**
- 3. THE LAND REFORMS APPELLATE AUTHORITY,
THRISSUR.**

BY ADDL. ADVOCATE GENERAL SRI.BABU VARGHESE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 30606 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1- TRUE COPY OF THE ANNEXURE D PREPARED BY THE LAW REFORMS COMMISSION
- EXHIBIT-P2- TRUE COPY OF THE DRAFT OF THE BILL `THE CREATIVE COMMUNICATION (OF LAW DECLARED BY SUPREME COURT AND HIGH COURT AND JUDICIAL COMPLIANCE) PREPARED BY THE KERALA LAW REFORMS COMMISSION
- EXHIBIT-P3- TRUE COPY OF THE DESCRIPTION REGARDING THE BILL PREPARED BY THE COMMISSION.
- EXHIBIT-P4- TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN TRAVANCORE DEVASOM BOARD VS. MOHANAN NAIR 2013 (3) KLT 132.
- EXHIBIT-P5- TRUE COPY OF THE ORDER OF THE HON'BLE SUPREME COURT IN SLP (C) 21376-78/2013.
- EXHIBIT-P6- TRUE COPY OF THE ORDER IN AA-22/14 OF THE LAND REFORMS APPELLATE AUTHORITY, THRISSUR.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.30606 of 2015

Dated this the 8th day of October 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioner and the learned Additional Advocate General appearing for the State.

2. This public interest litigation has been filed praying for a mandamus commanding the Government to submit before this Court, the steps initiated by them for implementing the recommendation made by the Law Commission with respect to the bringing of the Bill, 'The Creative Communication (of Law Declared by Supreme Court and High Court and Judicial Compliance).

3. Petitioner's case in the writ petition is that the Law Reforms Commission of Kerala had submitted a report on 26/01/2009 before the Government. One of the proposed Bills which was submitted by the Commission was the Bill to create an instrument for communicating the law declared by the higher Courts for annual information for the Government. Ext.P2 has been annexed, which is a proposed Bill recommended by the

Commission to the State. The report of the Law Commission, along with several other reports of the Law Commission, were submitted to the Government, as contended by the learned counsel for the petitioner.

4. It is submitted by the learned Additional Advocate General that certain recommendations of the Law Commission has already been implemented by the State.

5. It is well settled that this Court, in exercise of the jurisdiction under Article 226 of the Constitution of India, shall not issue any mandamus to legislate. Legislation is in the domain of legislature as per the constitutional scheme. We only observe that the recommendation of the Law Commission which has been submitted to the State Government are there to be considered by the State through proper mechanism and then a decision is to be taken by the competent Legislature to take such steps, as required by law.

With the above observation, this writ petition is closed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/08/10/2015

