

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

WP(C).No. 37261 of 2008 (J)

PETITIONER(S) :

JOSHUA DANIEL,
S/O.P.V.DANIEL, PADAYANICKAL HOUSE, MAMMOODU,
KONNI P.O., PATHANAMTHITTA , KERALA.

BY ADV. SRI.JOSHUA DANIEL (PARTY IN PERSON).

RESPONDENT(S) :

1. UNION OF INDIA,
REPRESENTED BY SECRETARY, MINISTRY OF AGRICULTURE,
NEW DELHI.
2. THE SECRETARY,
MINISTRY OF COMMERCE, NEW DELHI.
3. FORWARD MARKET COMMISSION,
EVEREST, 3RD FLOOR, 100,
MARINE DRIVE, MUMBAI 400 002.
4. SPICES BOARD OF INDIA,
SUGANDHA BHAVAN, N.H.BYE PASS, PALARIVATTOM
KOCHI-682 025.
5. INDIA PEPPER & SPICE TRADE ASSOCIATION,
REP. BY ITS SECRETARY, VI/150, JEW TOWN,
KOCHI 682 002.
6. PRESIDENT,
INDIA PEPPER & SPICE TRADE ASSOCIATION, VI/150,
JEW TOWN KOCHI.
7. NATIONAL AGRICULTURE CO-OPERATIVE MARKET,
FEDERATION OF INDIA LTD, REP. BY ITS CHAIRMAN,
RING ROAD ASHRAM, NEW DELHI 110 014.

8. THE KERALA STATE CO-OPERATIVE MARKETING,
FEDERATION OF INDIA LTD, B.P. NO.2024, GANDHI NAGAR,
KOCHI 682 020.
9. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF AGRICULTURE,
KERALA GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
10. NATIONAL COMMODITY & DERIVATIVES EXCHANGE LTD.(NCDEX)
AKRUTI CORPORATE PARK,
1ST FLOOR, NEAR G.E.GARDEN, L.B.S.MARG,
KANJURMARG (WEST) MUMBAI 400 079.

R1 & 2 BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR
R5-6 BY ADV. SRI.E.K.NANDAKUMAR
R5-6 BY ADV. SRI.A.K.JAYASANKAR NAMBIAR
R5-6 BY ADV. SRI.K.JOHN MATHAI
R5-6 BY ADV. SRI.P.BENNY THOMAS
R5-6 BY ADV. SRI.ANIL D. NAIR
R8 BY ADV. SRI.MILLU DANDAPANI
R7 BY ADV. SRI.M.A.ABDUL HAKHIM
R7 BY ADV. SRI.JYOTHISH.J.KALLINGAL
R4 BY ADV. SRI.JOSEPH KODIANTHARA
R4 BY ADV. SRI.MATHEWS K.UTHUPPACHAN
R4 BY ADV. SRI.TERRY V.JAMES
R4 BY ADV. SRI.B.J.JOHN PRAKASH
R10 BY ADV. SRI.JIJO PAUL
R1,2 BY ADV. SRI.S.KRISHNAMOORTHY, CGC
BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1: TRUE COPY OF CERTIFICATE DATED 31/10/2008 ISSUED BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, ARUVAPPULAM TO THE PETITIONER.

EXT.P2: TRUE COPY OF REPRESENTATION DATED 15/08/2008 FROM THE PETITIONER TO THE 8TH RESPONDENT.

EXT.P3: TRUE COPY OF INTERNET EDITION OF THE ECONOMIC TIMES DATED 13/09/2007.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. VINOD CHANDRAN, J.

W.P.C. No.37261 of 2008

Dated this the 22nd day of May, 2015.

JUDGMENT

The petitioner had challenged the Government decision to include Pepper under the purview of Section 17 of the Forward Contracts (Regulation) Act, 1952. The writ petition was admitted and there was no interim order passed. The commodity has been covered under the purview of the Forward Contracts (Regulation) Act, 1952 for all these years.

2. The learned counsel, who was appearing originally for the petitioner, had filed a memo dated 10.12.2009 recording the fact of his having relinquished the Vakalath on 09.11.2009. It is also stated that the entire records of the case were given to the petitioner on 09.11.2009 with a no-objection certificate. No appearance is recorded after then, nor is the petitioner present before this Court, when the matter is taken up for hearing.

The writ petition is hence dismissed for default.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

sp