

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C). No.34649 of 2015 (S)

PETITIONER(S):

**FIAT JUSTICIA,
REPRESENTED BY ITS DIRECTOR ADV. M.L.GEORGE,
'AVE MARIA', ACHANVEETIL ROAD, PACHALAM P.O.,
KOCHI - 682 012.**

**BY ADVS.SRI.K.RAMAKUMAR (SR.)
SRI.SREELAL N.WARRIER**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE SECRETARY,
DEPARTMENT OF HOME, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE SECRETARY,
DEPARTMENT OF FINANCE, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 4. THE SECRETARY,
DEPARTMENT OF LAW, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 5. THE DIRECTOR,
VIGILANCE AND ANTI CORRUPTION BUREAU,
THIRUVANANTHAPURAM - 695 033.**

WP(C). No.34649 of 2015 (S)

:2:

**R1-R5 BY ADVOCATE GENERAL SRI.K.P.DANDAPANI,
BY SPECIAL GOVERNMENT PLEADER SMT.GIRIJA GOPAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 34649 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS:-

P1 - TRUE PHOTOCOPY OF THE PUBLICATION IN THE NEW INDIA EXPRESS DAILY DT. 10.11.2015.

P2 - TRUE PHOTOCOPY OF THE COMMUNICATION DT. 27.07.2015 RECEIVED BY THE PETITIONER FROM THE STATE PUBLIC INFORMATION OFFICER

P3 - TRUE PHOTOCOPY OF THE LETTER DT. 30.7.2015 SENT BY THE PETITIONER TO HIS EXCELLENCY THE GOVERNOR OF KERALA.

P4 - TRUE PHOTOCOPY OF THE LETTER SENT BY THE PETITIONER TO THE SECRETARY, DEPARTMENT OF HOME.

RESPONDENT(S)' EXHIBITS:- NIL

KRJ

//TRUE COPY//

P.A TO JUDGE

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

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W.P(C) No.34649 of 2015

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Dated this the 2nd day of December, 2015

JUDGMENT

Ashok Bhushan, CJ

Heard the learned counsel for the petitioner.

2. This writ petition has been filed as Public Interest Litigation praying for a direction that this Court may declare that proposed payments of huge amounts running into lakhs of rupees for seeking legal opinion and engaging senior counsel of the Supreme Court without consent of the Government is altogether illegal and violative of procedure prescribed.

3. Petitioner's case is that a vigilance case is proceeding in the Vigilance Court, Thiruvananthapuram. It is submitted that in connection with the said case, certain opinions have been obtained from two senior counsel of the Supreme Court. The petitioner's case is that he has also obtained information under the Right to Information Act Ext.P2 dated 27.7.2015 where the officer has

expressed his opinion. It was decided to seek opinion from legal experts as Advocate General of the State and Director General of Prosecution did not respond to the letters of the Director, Vigilance and Anti-Corruption Bureau and, therefore, information was obtained from two senior counsel.

4. Learned counsel for the petitioner submitted that the Director himself could not have obtained the opinion and incurred such expenses without obtaining prior approval of the State Government. He submitted that this Public Interest Litigation be entertained and direction as prayed for be issued.

5. We have heard learned counsel for the petitioner and perused the writ petition.

6. The issue which is sought to be raised is with regard to payment of legal fees of two senior advocates from whom legal opinions were obtained by the fifth respondent.

7. Whether fifth respondent could have obtained legal opinion from senior counsel or incurred such expenses are issues which are for the Government to look into and it is not for this

Court in this Public Interest Litigation to entertain such issues and examine the contention raised by the petitioner. To obtain legal opinion by department of the Government or the Government itself are the issues in the domain of respective department of the Government as per procedure prescribed. In regard to the payment of lakhs of rupees, these are issues which are to be in the domain of audit authorities to consider and not for this Court to entertain the issues and present any opinion. We are of the view that this case is not a fit case to be entertained as a Public Interest Litigation.

With the above observation, the writ petition is closed.

Sd/-

**ASHOK BHUSHAN
CHIEF JUSTICE**

Sd/-

**A.M.SHAFIQUE
JUDGE**

krj.2/12/15

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P.A to Judge