

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 35435 of 2014 (D)

PETITIONER:

**M.M.MATHEW, AGED 76 YEARS
S/O.MATHAI, MANAPPURATH HOUSE, MULAVUKADU P.O
ERNAKULAM DISTRICT, PIN 682 504**

BY ADV. SRI. M.M.MATHEW (PARTY IN PERSON)

RESPONDENTS:

- 1. STATE OF KERALA
BY HOME SECRETARY
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
- 2. M.M JOHN
MANAPPURATH HOUSE, THAMBALAMANNA P.O
KOZHIKODE DISTRICT, PIN 673 603**
- 3. M.M. THOMAS
MANAPPURATH HOUSE, OONNUKAL P.O, MANGATTUPADI BUS STOP
NERIAMANGALAM(VIA), KOTHAMANGALAM TALUK PIN 686 693**
- 4. BABY K.D
S/O.DEVASSY, KATTACKAL HOUSE, PULLURAMPARA P.O
KOZHIKODE TALUK, KOZHIKODE DISTRICT, PIN 673 604**
- 5. K.V VARGHESE
S/O.VARKEY, KUMBAPPILLIYIL HOUSE
PULLURAMPARA P.O, KOZHIKODE DISTRICT , PIN 673 604**
- 6. POLY JACOB
S/O.LATE JACOB, THURUTHIMATTATHIL HOUSE
THIRUVAMBADY P.O, KOZHIKODE DISTRICT PIN 673 603**
- 7. C.B.I STANDING COUNCIL MEMBER-ADVOCATE
REPRESENTED BY P CHANDRA SEKCHARAN PILLAI
HIGH COURT OF KERALA**

R1 BY PUBLIC PROSECUTOR, SMT. P. MAYA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1 TRUE COPY OF THE RELEVANT PAGE OF THE PASS BOOK ISSUED
 FROM SBT THIRUVAMBADY BRANCH IN THE NAME OF THE
 PETITIONER
- EXT.P2 TRUE COPY OF THE NOTICE ADDRESSED BY THE PETITIONER TO
 THE BRANCH MANAGER, SBT THIRUVAMBADY BRANCH DATED 12-12-
 2014
- EXT.P3 TRUE COPY OF THE NOTICE ISSUED FROM THE JUDICIAL FIRST
 CLASS MAGISTRATE COURT-II, THAMARASSERY AS R.C 153/2014 FOR
 HEARING ON 22-12-2014

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

W.P.(C). No.35435 of 2014

Dated this the 13th day of January, 2015

JUDGMENT

There is some dispute between the petitioner herein and respondent Nos. 2 to 6 regarding some family property. His grievance is that the respondents have unauthorisedly sold the entire property, and thus appropriated his share value also. He seeks investigation by the CBI into this, and he seeks a writ of mandamus, accordingly. I am not inclined to admit this writ petition to files, because the matter in dispute is not something to be investigated by the CBI, and practically it does not involve any offence also. The petitioner's grievance is in fact civil in nature, and he wants his share in the sale proceeds. He will have to proceed against the respondents in civil action. Accordingly, this writ petition is dismissed in limine, without being admitted to files.

Sd/-

P. UBAID, JUDGE

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