

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 36872 of 2015 (H)

PETITIONER :

**ABDUL RAZAK
AGED 29, S/O.ADAKAPARAMBIL ABDUL KHADAR,
HOUSE NO.3/475, ANTHIKAD PANCHAYATH, PADIYAM P.O.,
THRISSUR-680 641.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S) :

**1. THE STATE OF KERALA
REP. BY THE SECRETARY TO GOVERNMENT
HOME DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.**

**2. THE JAIL SUPERINTENDENT
VIYYUR CENTRAL PRISON, THRISSUR-680 001.**

R1 & R2 BY GOVT. PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 36872 of 2015 (H)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1. A TRUE COPY OF THE CERTIFICATE OF INCORPORATION IN THE
NAME OF M/S.KING SPACES AND BUILDERS (P) LTD DATED 25/6/2010.**
- EXT.P2. A TRUE COPY OF THE MEMORANDUM OF ASSOCIATION AND
ARTICLES OF ASSOCIATION DATED 19/6/2010.**
- EXT.P3. A TRUE COPY OF THE JUDMGNET IN WPC NO.11332/2015 DATED
8/9/2015 OF THIS HONOURABLE COURT.**
- EXT.P4. A TRUE COPY OF THE NOTICE OF THE BOARD OF DIRECTORS DATED
19/11/2015.**
- EXT.P5. A TRUE COPY OF THE SHARE TRANSFER FORM TO BE SIGNED BY
THE UNDER TRIAL PRISONER DATED NIL.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

=====

W.P.(C).No.36872 of 2015

=====

Dated this the 8th day of December, 2015

J U D G M E N T

The petitioner approached this Court seeking for following reliefs:

“i. Issue a Writ of Mandamus or any other appropriate writ order or direction commanding the 2nd respondent, to make arrangements for due execution of the consent as evident by Ext.P4 as also the execution of the share transfer as evident by Ext.P5, immediately, in the interest of justice.

and

ii. To pass any such or further orders as the petitioner may seek and this Hon'ble Court deem fit to grant.”

2. The petitioner's brother, A.A Muhammed Nisham is an under trial prisoner in Crime No.173 of 2015 of the Peramangalam Police Station, in Thrissur District. Now he is at Viyyur Central Prison, Viyyur. The petitioner submits that in relation to the affairs of the company, execution of certain documents are required and therefore, the written consent of his brother is required for that purpose.

3. Considering the facts and circumstances, this Court is of the view that the 2nd respondent shall allow due execution of

Exts.P4 and P5 and any other documents are required to be signed in relation to affairs of the Company. Needful shall be done without any delay.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE