

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C) .No. 38837 of 2015 (S)

PETITIONER(S) :-

JANAKEEYA PRATHIKARANA VEDI
REPRESENTED BY THE SECRETARY, V.V.PRABHAKARAN
S/O.LATE KANDANKODAN KUNHIRAMAN NAMBIAR
MUNDAYOD(P.O), KANNUR DISTRICT, PIN-670 594.

BY ADVS.SMT.K.V.BHADRA KUMARI
SMT.ANILA GEORGE
SRI.P.SAILESH SREEKUMAR

RESPONDENT(S) :-

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO HOME DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO CO-OPERATIVE DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
3. K.SANAL KUMAR
S.I.OF POLICE, CRIME BRANCH, VADAKARA
CRIME BRANCH OFFICE, VADAKARA(P.O), KOZHIKODE DISTRICT.
4. K.SURENDRAN
JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (AUDIT)
OFFICE OF JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
WAYANAD.
5. P.K.RAGESH
COUNSELLOR, CORPORATION OF KANNUR
KANNUR DISTRICT - 670 591.

BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) .No. 38837 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1- TRUE COPY OF THE NEWS ITEM APPEARED IN MATHRUBHOOMI DAILY
DATED 01.12.2015.

EXT.P1(a) - A TRUE ENGLISH TRANSLATION OF EXT.P1.

EXT.P2- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER ORGANIZATION BEFORE THE 1ST RESPONDENT DATED
07.11.2015.

EXT.P2(a) - A TRUE ENGLISH TRANSLATION OF EXT.P2.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

W.P(C). No. 38837 of 2015

Dated this the 22nd day of December, 2015

JUDGMENT

Shaffique, J

This writ petition is filed in the form of public interest litigation seeking the following reliefs :

- “ (i) To issue an order, direction or declaration declaring that the transfer of 3rd respondent, Sanal Kumar from the S.I of Police, Town Police Station to Crime Branch Vadakara and the 4th respondent, K. Surendran from Joint Registrar of Co-operative Societies Kannur District to Wayanad as Joint Registrar of Co-operative Society (Audit) yielding to the demand of the 5th respondent so as to secure his vote in favour of U.D.F candidates in the Standing Committee election to Kannur Corporation is illegal, arbitrary and liable to be cancelled.
- (ii) To issue a writ in the nature of mandamus, order or direction directing the 1st & 2nd respondents to cancel the illegal transfer of Sanal Kumar, S.I of Police from Town Police Station to Crime Branch Vadakkara and the 4th respondent Surendran, Joint Registrar of Co-operative Societies from Kannur to Wayanad as Joint Registrar of Co-operative Societies (Audit).

2. It is apparent from the averments in the writ petition that the petitioner seeks for challenging the transfer order issued to two officers of the Government, which cannot be adjudicated by this Court in a public interest litigation.

3. Though it is argued by learned counsel for the petitioner that there is public interest involved in the issue, we do not think that in the absence of challenge made by the

concerned parties, such issues can be adjudicated by this Court by exercising the public interest litigation jurisdiction. Hence we do not find any reason to entertain the petition and the same is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFIQUE,
JUDGE

sou.22/12/15