IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.25793 OF 2020(S)

PETITIONERS:

1 SHIBU BABY JOHN, AGED 57 YEARS, S/O.BABY JOHN, VAYALIL HOUSE, NEENDAKARA.P.O, KOLLAM-691 582.

2 N.K.PREMACHANDRAN, AGED 60 YEARS, S/O.N.KRISHNA PILLAI, MAHESWARI, CANTONMENT.P.O, KOLLAM-691 001.

3 A.A.AZEEZ, S/O.ALLIYAR KUNJU, AGED 79 YEARS, KALLIYIL AZHIKATH VEEDU,UMAYANALLOOR.P.O, KOLLAM-691589.

BY ADVS.SRI.SANTHOSH MATHEW
SRI.ARUN THOMAS
SRI.JENNIS STEPHEN
SRI.VIJAY V. PAUL
SMT.KARTHIKA MARIA
SRI.ANIL SEBASTIAN PULICKEL
SMT.DIVYA SARA GEORGE

RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2 THE ADDITIONAL CHIEF SECRETARY, HOME DEPARTMENT, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

3 THE DIRECTOR GENERAL OF POLICE AND STATE POLICE CHIEF, KERALA POLICE, KERALA POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM-695 014.

4 THE DIRECTOR GENERAL OF PROSECUTION, OFFICE OF THE DIRECTOR GENERAL OF PROSECUTION, HIGH COURT OF KERALA, KOCHI-682 018.

SRI.K.K.RAVEENDRANATH, ADDL. A.G. and
SRI. SUMAN CHAKRAVARTHY, SR.G.P. FOR RESPONDENTS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2020, ALONG WITH WP(C).25829/2020(S), WP(C).25875/2020(S), WP(C).25887/2020(S), WP(C).25892/2020(S), WP(C).25897/2020(S), WP(C).26067/2020(S), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.25829 OF 2020(S)

PETITIONER:

ADV. SUNIL KUMAR K.G., AGED 45 YEARS
S/O. GOPINATHA PILLAI, KANGAZHAYATHE (H), MUKKADA,
KARTHIKAPURAM (PO), TALIPARAMBA, KANNUR-670 571.

BY ADVS.
SRI.C.G.RAJ KUMAR
SRI.JOSE ANTONY

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2 **SECRETARY**
DEPARTMENT OF LAW, GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

3 **SECRETARY**
DEPARTMENT OF HOME AFFAIRS, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.

4 **STATE POLICE CHIEF, KERALA STATE POLICE HEADQUARTERS,**
VAZHUTHACAUD P.O., THIRUVANANTHAPURAM-695 010

SRI.K.K.RAVEENDRANATH, ADDL. A.G. and
SRI. SUMAN CHAKRAVARTHY, SR.G.P. FOR RESPONDENTS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2020, ALONG WITH WP(C).25793/2020(S), WP(C).25875/2020(S), WP(C).25887/2020(S), WP(C).25892/2020(S), WP(C).25897/2020(S), WP(C).26067/2020(S), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.25875 OF 2020(S)

PETITIONER:

ANOOP M.K, AGED 50 YEARS
S/O (LATE) KUMARAN M.K, MANAKATTUPADI HOUSE,
LOKAMALESWARAM VILLAGE, KODUNGALLUR-680 664, THRISSUR DISTRICT.

BY ADVS.
SRI.S.PRASANTH (AYYAPPANKAVU)
SMT.VARSHA BHASKAR
SMT.N.R.REESHA

RESPONDENTS:

1 **THE STATE OF KERALA**
REPRESENTED BY THE SECRETARY, LAW DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2 **THE SECRETARY TO GOVERNMENT**
HOME DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 039.

3 **THE STATE POLICE CHIEF,**
POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM-695 010.

SRI.K.K.RAVEENDRANATH, ADDL. A.G. and
SRI. SUMAN CHAKRAVARTHY, SR.G.P. FOR RESPONDENTS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2020, ALONG WITH WP(C).25793/2020(S), WP(C).25829/2020(S), WP(C).25887/2020(S), WP(C).25892/2020(S), WP(C).25897/2020(S), WP(C).26067/2020(S), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.25887 OF 2020(S)

PETITIONER:

NANDINI PRAVEEN
AGED 20 YEARS
D/O.PRAVEEN NAIR, B-8, GALAXY CLIFFORD,
CHILAVANOOR ROAD, KADAVANTHRA,
KOCHI-682 020.

BY ADVS.
SRI.KALEESWARAM RAJ
SRI.VARUN C.VIJAY
KUM.A.ARUNA
KUM.THULASI K. RAJ
SMT.MAITREYI SACHIDANANDA HEGDE

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF LAW, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

2 **PRINCIPAL SECRETARY,**
DEPARTMENT OF LAW,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.

SRI.K.K.RAVEENDRANATH, ADDL. A.G. and
SRI. SUMAN CHAKRAVARTHY, SR.G.P. FOR RESPONDENTS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2020, ALONG WITH WP(C).25793/2020(S), WP(C).25829/2020(S), WP(C).25875/2020(S), WP(C).25892/2020(S), WP(C).25897/2020(S), WP(C).26067/2020(S), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C)No.25892 OF 2020(S)

PETITIONER:

JOJO JOSE, AGED 45 YEARS
S/O P.M.JOSE, RESIDING AT PERIKILAMALAYIL, CHERIKODE
P.O.SREEKANDAPURAM (VIA), KANNUR , KERALA-670 631.

BY ADVS.
SRI.C.UNNIKRISHNAN (KOLLAM)
SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)
SHRI.ANANDA PADMANABHAN
SHRI.MAHESH CHANDRAN
SHRI.GAJENDRA SINGH RAJPUROHIT
SMT.LIYA ELZA ALEX
SMT.UTHARA A.S
SRI.SANJAY JOHNSON

RESPONDENTS:

1 **STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.**

2 **DEPARTMENT OF LAW, REPRESENTED BY ITS SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.**

SRI.K.K.RAVEENDRANATH, ADDL. A.G. and
SRI.SUMAN CHAKRAVARTHY, SR.G.P. FOR RESPONDENTS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2020, ALONG WITH WP(C).25793/2020(S), WP(C).25829/2020(S), WP(C).25875/2020(S), WP(C).25887/2020(S), WP(C).25897/2020(S), WP(C).26067/2020(S), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.25897 OF 2020(S)

PETITIONER:

K SURENDRAN, AGED 50 YEARS
S/O. K. KUNJURAMAN, KUNNUMMAL HOUSE, MODAKKALLUR
P.O. AHTOLI VILLAGE, KOYILANDI TALUK 673 315.

BY ADVS.
SHRI.P.SREEKUMAR
SHRI.ASWIN KUMAR M J
SMT.HELEN P.A.
SRI.SHAHIR SHOWKATH ALI

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM 695 001.

2 **THE SECRETARY TO GOVERNMENT,**
LAW LEGISLATION -E, DEPARTMENT GOVERNMENT
SECRETARIAL, THIRUVANANTHAPURAM 695 001.

SRI.K.K.RAVEENDRANATH, ADDL. A.G. and
SRI. SUMAN CHAKRAVARTHY, SR.G.P. FOR RESPONDENTS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2020, ALONG WITH WP(C).25793/2020(S), WP(C).25829/2020(S), WP(C).25875/2020(S), WP(C).25887/2020(S), WP(C).25892/2020(S), WP(C).26067/2020(S), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.26067 OF 2020(S)

PETITIONER:

SURESH KUMAR @ ANILAN
AGED 47 YEARS
S/O.SIVADASAN NAMBOODIRI, MUHOORTHAM HOUSE,
CHITHARA P.O., MANGOD VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT-691 559.

BY ADVS.
SRI.G.SUDHEER (THURAVOOR)
SMT.LISHA.M.G.
SRI. PAUL JOHN

RESPONDENTS:

STATE OF KERALA
REPRESENTED BY ITS SECRETARY, HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.

SRI.K.K.RAVEENDRANATH, ADDL. A.G. and
SRI.SUMAN CHAKRAVARTHY, SR.G.P. FOR RESPONDENTS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2020, ALONG WITH WP(C).25793/2020(S), WP(C).25829/2020(S), WP(C).25875/2020(S), WP(C).25887/2020(S), WP(C).25892/2020(S), WP(C).25897/2020(S), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

[WP(C).25793/2020, WP(C).25829/2020, WP(C).25875/2020, WP(C).25887/2020, WP(C).25892/2020, WP(C).25897/2020, WP(C).26067/2020]

Dated this the 22nd day of December 2020

S.MANIKUMAR, C.J.

These writ petitions have been filed challening the operation and implementation of the Kerala Police (Amendment) Ordinance, 2020. Petitioners herein challenges the constitutional validity of Section 118A inserted in the Kerala Police Act, 2011 and seeks for a declaration that Section 118A of the Kerala Police Act, 2011 is unconstitutional since the same is violative of Articles 14, 19(1)(a), and 21 of the Constitution of India.

2. Today, when these cases are taken up for consideration, it is brought to the notice of this court that later the Government have issued Ordinance No.80 of 2020 withdrawing the Kerala Police (Amendment) Ordinance, 2020 (79 of 2020).

3. In view of the subsequent development, nothing further survives in these writ petitions for adjudication.

Writ petitions are dismissed.

sd/-
S.MANIKUMAR
CHIEF JUSTICE

sd/-
SHAJI P. CHALY
JUDGE

jes

APPENDIX OF WP(C) 25793/2020

PETITIONER'S EXHIBITS:

EXHIBIT P1 **TRUE COPY OF THE GAZETTE NOTIFICATION OF THE KERALA POLICE (AMENDMENT)ORDINANCE,2020 DATED 21-11-2020 ISSUED BY THE 1ST RESPONDENT.**

APPENDIX OF WP(C) 25829/2020

PETITIONER'S EXHIBITS:

EXHIBIT P1 **TRUE COPY OF THE KERALA POLICE (AMENDMENT) ORDINANCE, 2020 PUBLISHED IN KERALA GAZETTE EXTRAORGINARY BEARING NO.2859 DATED 21.11.2020.**

APPENDIX OF WP(C) 25875/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE ARTICLE DATED 6.10.2020 PUBLISHED IN THE NEW INDIAN EXPRESS**
EXHIBIT P2	**TRUE COPY OF THE KERALA POLICE (AMENDMENT) ORDINANCE 2020(79 OF 2020) PUBLISHED VIDE NOTIFICATION NO 15312/LEG.E1/2020/LAW**
EXHIBIT P3	**TRUE COPY OF THE NEWS REPORT DATED 22.11.2020 PUBLISHED IN THE NEW INDIAN EXPRESS**
EXHIBIT P4	**TRUE COPY OF LETTER NO 11(60/2012-CLEF DATED 9.1.2013 SENT BY THE GROUP CO-ORDINATOR AND DIRECTOR GENERAL, DEPARTMENT OF ELECTRONICS AND INFORMATION TECHNOLOGY, GOVERNMENT OF INDIA**

APPENDIX OF WP(C) 25887/2020

PETITIONER'S EXHIBITS:

EXHIBIT P1 **TRUE COPY OF THE ORDER DATED 16.9.2020 IN W.P(C)NO.983/2020 OF THE SUPREME COURT OF INDIA**

EXHIBIT P2 **TRUE COPY OF THE KERALA POLICE (AMENDMENT)ORDINANCE,2020**

EXHIBIT P3 **TRUE COPY OF THE REPORT PREPARED BY SPECAL RAPPORTEUR ON THE FREEDOM OF THE AND EXPRESSION,DAVID KAYE DATED 06.09.2016**

EXHIBIT P4 **TRUE COPY OF THE LETTER DATED 24.10.2020 WRITTEN BY LEGAL DIRECTOR,SFLC TO THE CHIEF MINISTER,KERALA.**

APPENDIX OF WP(C) 25892/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1 **A TRUE COPY OF THE NOTIFICATION OF THE ORDINANCE ISSUED BY THE 2ND RESPONDENT DATED 21.11.2020**

APPENDIX OF WP(C) 25897/2020

PETITIONER'S EXHIBITS:

EXHIBIT P1 **A TRUE COPY OF THE NOTIFICATION DATED 21.11.2020 ISSUED BY THE 1ST RESPONDENT.**

APPENDIX OF WP(C) 26067/2020

PETITIONER'S EXHIBITS:

EXHIBIT P1 **A TRUE PHOTOCOPY OF THE RELEVANT PAGES OF THE ORDINANCE NO.15312/LEG.II/2020LAW DATED 21.11.2020 SIGNED BY HIS EXCELLENCY THE GOVERNOR OF KERALA.**

// TRUE COPY //

P.S. TO JUDGE