

Kerala High Court

Raju Puzhankara vs State Of Kerala on 23 October, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WA.No. 2103 of 2008()

1. RAJU PUZHANKARA

... Petitioner

Vs

1. STATE OF KERALA

... Respondent

For Petitioner :SRI.K.P.RAMACHANDRAN

For Respondent : No Appearance

The Hon'ble the Chief Justice MR.H.L.DATTU

The Hon'ble MR. Justice A.K.BASHEER

Dated :23/10/2008

O R D E R

H.L.DATTU, C.J. & A.K.BASHEER, J.

W.A.No.2103 of 2008

Dated, this the 23rd day of October, 2008

JUDGMENT

H.L.Dattu, C.J.

In our opinion, the way the writ petition is drafted is highly reprehensive. Unnecessary and unwarranted allegations are made against the kith and kin of the responsible Ministers of the State and for making those allegations there is no basis whatsoever.

2. In the instant case, according to the petitioner, the 12th respondent is managing a financial institution and has defrauded the depositors and therefore a request is made in the petition filed under Article 226 of the Constitution, to entrust the investigation to the efficient officers of Central Bureau of Investigation, since the police personnel of the State will not be in a position to make

proper investigation, since the kith and kin of the Ministers are involved along with the 12th respondent to defraud the creditors.

3. In the writ petition filed, it is not stated whether the petitioner is a depositor in the financial institution run by the 12th respondent. It is also not stated how the petitioner is interested in the depositors who had made the deposits with the 12th respondent. Therefore, he does not even have the locus to maintain the writ petition. Fortunately, the petitioner has not styled this petition as a public interest litigation.

4. In fact, in the present case, a complaint is filed before the jurisdictional police authorities and the said complaint is registered and the matter is being investigated by Special Crime Branch Police, which is headed by an Officer who has sufficient experience.

5. Having gone through the pleadings in the writ petition and the judgment of the learned Single Judge, we are satisfied that the learned Judge was justified in rejecting the petition at the threshold itself. Therefore, while concurring with the reasoning of the learned Judge, we dismiss the writ appeal. No order as to costs.

Ordered accordingly.

(H.L.DATTU) CHIEF JUSTICE (A.K.BASHEER) JUDGE MS/dk