

D.Anilkumar vs State of Kerala

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Court : Kerala

Decided On : Jun-14-2023

Judge : Honourable the Chief Justice Mr.S.V.N.Bhatti,Honourable Mr.Justice Basant Balaji

Appeal No. : WP(C)/29808/2014

Appellant : D.Anilkumar

Respondent : State of Kerala

Judgement :

-1-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE THE CHIEF JUSTICE MR.S.V.N.BHATTI & THE HONOURABLE MR.JUSTICE BASANT BALAJI WEDNESDAY, THE 14TH DAY OF JUNE 2023 / 24TH JYAISHTA, 1945 WP(C) NO. 29808 OF 2014 PETITIONER/S: D.ANILKUMAR AGED 49 YEARS ADVOCATE, CHAMBER NO. 511, GOLDEN JUBILEE COMPLEX, HIGH COURT ANNEXE, ERNAKULAM. BY ADVS. SRI.K.LAKSHMINARAYANAN SMT.SATHYASHREE PRIYA RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY

SECRETARY, HOME DEPARTMENT SECRETARIAT, THIRUVANANTHAPURAM. 2 KERALA STATE LEGAL SERVICES AUTHORITY REPRESENTED BY ITS MEMBER SECRETARY, HIGH COURT ANNEXE, ERNAKULAM. 3 UNION OF INDIA REPRESENTED BY SECRETARY, MINISTRY OF HOME AFFAIRS, NORTH BLOCK, SECRETARIAT, RAISINA HILL, NEW DELHI. 4 HIGH COURT OF KERALA REPRESENTED BY THE REGISTRAR GENERAL, HIGH COURT COMPLEX, ERNAKULAM. BY ADVS.SRI T K VIPINDAS SR GP; SRI SUVIN R MENON CGC GOVERNMENT PLEADER SRI.ELVIN PETER P.J. P.VIJAYAKUMAR SRI.ELVIN PETER P.J. SRI.K.R.GANESH -2-

GOVERNMENT PLEADER SRI.T.G.SUNIL PRANAVAM MANU S., DSG OF INDIA OTHER PRESENT: T K VIPINDAS SR GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14.06.2023, ALONG WITH WP(C).5318/2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -3-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE THE CHIEF JUSTICE MR.S.V.N.BHATTI & THE HONOURABLE MR.JUSTICE BASANT BALAJI WEDNESDAY, THE 14TH DAY OF JUNE 2023 / 24TH JYAISHTA, 1945 WP(C) NO. 5318 OF 2019 PETITIONER/S: D.B.BINU, ADVOCATE, AGED 51 YEARS S/O LATE D.A. BHASKARAN, M/S COCHIN CHAMBER OF LAWYERS, PROVIDENCE ROAD, KOCHI-682 018, ERNAKULAM DISTRICT, KERALA. BY ADVS. A.A.SHIBI SMT.REENA ABRAHAM SMT.K.G.NISHAMOL RESPONDENT/S: 1 STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT, HOME (C) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN 695 001. 2 STATE OF KERALA, REPRESENTED BY ITS ADDITIONAL CHIEF SECRETARY, FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM PIN 695 001. 3 THE SECRETARY TO THE

GOVERNMENT, FINANCE EXPENDITURE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN 695
001. 4 KERALA STATE LEGAL SERVICE AUTHORITY,
REPRESENTED BY ITS MEMBER SECRETARY, NIYAMASAHAYA
BHAVAN, HIGH COURT COMPOUND, ERNAKULAM 682 031.

BY ADVS. SRI T K VIPINDAS SR GP -4- SHRI.P.VIJAYAKUMAR, ASG
OF INDIA GOVERNMENT PLEADER SRI.K.R.GANESH SRI.ELVIN
PETER P.J. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 14.06.2023, ALONG WITH WP(C).29808/2014, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -5-

JUDGMENT

[WP(C) Nos.29808/2014, 5318/2019] S.V.N. Bhatti, C.J. Since Ke LSA is looking into the issues taken up in the Public Interest Litigation, we are of the view that there is no need to hear the very same issue independently in these Public Interest Litigations. Hence the writ petitions stand closed. Sd/- S.V.N.BHATTI CHIEF JUSTICE Sd/- BASANT BALAJI JUDGE jjj -6- APPENDIX OF WP(C) 5318/2019 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF GAZETTE NOTIFICATION (GO)(MS) NO 1ST RESPONDENT EXHIBIT P2 TRUE COPY OF REPLY DATED 16.2.2019 ALONG WITH ITS ENGLISH TRANSLATION GIVEN BY 4TH RESPONDENT EXHIBIT P3 TRUE COPY OF THE QUESTION AND ANSWER ALONG WITH LIST OF STATE-WISE ALLOCATION OF THE GENERAL VICTIM COMPENSATION FUND (CVCF) RESPONDENT EXHIBITS EXHIBIT R4(a) TRUE COPY OF THE DISTRICT WISE DETAILS OF

APPLICATIONS RECEIVED FROM THE CRIME VICTIMS IN KELSA AND THE DLSA UNDER SECTION 357A (4) OF THE CR.P.C FOR THE PERIOD FROM 2015-16 TO 2019-20

EXHIBIT R4(B) TRUE COPY OF THE DETAILS OF PENDING BILLS IN KELSA
EXHIBIT R4(c) TRUE COPY OF THE LETTER 957/B/12/KELSA(1) DATED
DEPARTMENT OF ADDITIONAL ALLOTMENT OF FUND EXHIBIT R4(d) TRUE
COPY OF THE GO (RT) 4381/2019/FIN DATED EXHIBIT R4(D)-2 TRUE COPY

OF THE G.O(RT) 5642/2019/FIN DATED -7- APPENDIX OF WP(C) 29808/2014
RESPONDENT Annexure Annexure R3(a): Annexure Annexure R3(b) Annexure
Annexure R3(c) Annexure Annexure R3(d) RESPONDENT EXHIBITS EXHIBIT
R2(b) TRUE COPY OF LETTER DATED 17/10/2014 ISSUED BY THE ADDL.
CHIEF SECRETARY TO GOVT. TO THE MEMBER SECRETARY, KELSA,
ERNAKULAM. EXHIBIT R2(c) TRUE COPY OF LETTER DATED 31/01/2015
ISSUED BY 2ND RESPONDENT TO THE ADDL. CHIEF SECRETARY TO
GOVT. EXHIBIT R2(d) TRUE COPY OF THE KERALA VICTIME
COMPENSATION SCHEME, 2017 VIDE G.O.(MS) NO.224/2017/HOME DATED
05/11/2017. EXHIBIT R2(e) TRUE COPY OF THE ORDER GO(RT)
NO.6923/2015/FIN. DATED 27/07/2015. EXHIBIT R2(f) TRUE COPY OF THE
ORDER GO(RT) NO.3541/2017/FIN. DATED 22/04/2017. EXHIBIT R2(g) TRUE
COPY OF THE LETTER NO.957/B/12/KELSA DATED 22/03/2017 ADDRESSED
TO THE STATE POLICE CHIEF. EXHIBIT R2(h) TRUE COPY OF THE
RELEVANT PAGE OF THE DEMAND FOR GRANT AND DETAILED BUDGET
ESTIMATES FOR THE YEAR 2017-2018. EXHIBIT R2(i) TRUE COPY OF THE
RELEVANT PAGE OF THE DEMAND FOR GRAND AND DETAILED BUDGET
ESTIMATES FOR THE YEAR 2018-19. -8- EXHIBIT R2(j) TRUE COPY OF THE
LETTER NO.957/B/12/KELSA(1) DATED 28/04/2018 ADDRESSED TO THE
SECRETARY HOME (C) DEPARTMENT. EXHIBIT R2(k) TRUE COPY OF THE
D.O. NO.957/B/12/KELSA DATED HOME DEPARTMENT. EXHIBIT R2(l) TRUE
COPY OF THE G.O(RT) NO.7937/2018/FIN. DATED 25/09/2018. EXHIBIT R2(m)
TRUE COPY OF THE LETTER NO.957/B/12/KELSA(2) DATED 31/10/2018.
EXHIBIT R2(n) TRUE COPY OF THE G.O.(RT) NO.29/2019/FIN. DATED
EXHIBIT R2(o) TRUE COPY OF THE DOCKET NO.1531/2019. EXHIBIT R2(p)
TRUE COPY OF THE DOCKET NO.643/2019. EXHIBIT R2(q) TRUE COPY OF
THE LETTER NO.1094970/WANDM-II- EXHIBIT R2(r) TRUE COPY OF THE
LETTER NO.15/A/19/KELSA DATED 10/01/2019. EXHIBIT R2(s) TRUE COPY
OF THE RELEVANT PAGE OF THE DEMAND FOR GRANT AND DETAILED
BUDGET ESTIMATES FOR THE YEAR 2019-2020. EXHIBIT R2(t) TRUE COPY
OF THE DETAILS THE PENDING BILLS. PETITIONER EXHIBITS EXHIBIT P1:
TRUE COPY OF THE GAZETTE PUBLICATION G.O(MS) NO. 37/2014/HOME
DATED RESPONDENT ANNEXURES ANNEXURE R1 TRUE COPY OF THE

TABULATION OF THE FUNDS ALLOCATED AND EXPENDITURE INCURRED UNDER THE SCHEME SINCE 2015-2016 TILL 2018-2019. -9- EXHIBIT-R1(A) TRUE COPY OF THE TABULATION OF THE FUNDS ALLOCATED AND EXPENDITURE INCURRED UNDER THE SCHEME SSIE 2015-2016 TILL 20-18-2019 ANNEXURE I A TRUE COPY OF GO(RT) NO.325/2015/HOME DATED EXHIBIT R2(a) TRUE COPY OF LETTER DATED 18/06/2014 ISSUED BY KERALA STATE LEGAL SERVICE AUTHORITY TO THE SECRETARY, HOME DEPARTMENT, SECRETARIAT, TRIVANDRUM.

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