

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 2nd day of August 2022 / 11th Sravana, 1944
WP(C) NO. 24896 OF 2022(S)

PETITIONER:

SAM JOSEPH, AGED 41 YEARS, S/O. K.J. JOSEPH,
KUDAKUTHIYANICKAL HOUSE, OLD MARTHOMA CHURCH ROAD,
PERUMBAVOOR, ERNAKULAM.

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY
THE ADDITIONAL CHIEF SECRETARY, DEPARTMENT OF HOME,
GOVERNMENT SECRETARIAT, STATUE P.O,
THIRUVANANTHAPURAM - 695001.
2. THE DISTRICT POLICE COMPLAINTS AUTHORITY, ERNAKULAM,
COLLECTORATE, KAKKANAD, PIN - 682030,
REPRESENTED BY VICE CHAIRMAN.
3. THE STATE POLICE CHIEF, POLICE HEAD QUARTERS,
VAZHUTHAKAD, SASTHAMANGALAM P.O, THIRUVANANTHAPURAM-695010.
4. STATION HOUSE OFFICER, PALARIVATTOM POLICE STATION,
KOCHI CITY, ERNAKULAM, PIN - 682001.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 4th respondent to provide the documents to the Petitioner related to the illegal detention of the transgenders, pending final disposal of this Writ petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of RAJESH VIJAYAN Advocates for the petitioner and of SRI. K.P. HARISH, SENIOR GOVERNMENT PLEADER for R1, R3 & R4 the court passed the following:

P.T.0

S.Manikumar, C.J.

&

Shaji P.Chaly, J.

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W.P.(C)No.24896 of 2022-S

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Dated this the 2nd day of August, 2022

ORDER

S.Manikumar, C.J.

In this writ petition, the petitioner has sought for the following reliefs:

- “(i) To issue a Writ of Mandamus to the 2nd respondent who is the competent authority u/s 110 (3) of the K.P. Act, 2011, for conducting an inquiry into the professional misconduct of the officers concerned and taking action in accordance with law;
- (ii) To make a declaration to the effect that the arrest and detention for waving black flags in protest is per se illegal and unconstitutional and direct the State Government to grant adequate compensation for the persons booked for waving black flag in front of the Chief Minister and Ministers in protest;
- (iii) To issue an order to 3rd respondent to place the details of the cases in which persons who have been arrested and detained for having waved the black flag in protest to Ministers for the last 3 years.”

Prayer No.(iii) cannot be considered at this stage.

2. The District Police Complaints Authority, Kakkanad, represented by Vice Chairman, respondent No.2, at this juncture, is not a necessary and proper party. Hence, notice to the said respondent is dispensed with.

3. Mr.K.P.Harish, learned Senior Government Pleader, takes notice on behalf of State of Kerala, represented by the Additional Chief Secretary, Department of Home; the State Police Chief, Police Head Quarters, Vazhuthakkad and Station House Officer, Palarivattom Police Station (respondents 1, 3 and 4 respectively).

4. Respondents are directed to file a statement/counter affidavit, as the case may be, with all supporting documents.

Post on 11.08.2022.

Sd/-
S.Manikumar
Chief Justice

Sd/-
Shaji P.Chaly
Judge

vpv