

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
Monday, the 8th day of June 2026 / 18th Jyaishta, 1948
WP(C) NO. 17115 OF 2026(L)

PETITIONERS:

1. IVANOV ALEXANDER, AGED 61 YEARS CAPTAIN OF VESSEL MSC ELSA 3, RUSSIAN NATIONAL HOLDING PASSPORT BEARING NO. 1680 195, 39-192, MARCHENKO STREET, CHELYABINSK REGION, RUSSIAN FEDERATION CURRENTLY RESIDING AT VIVANTA ERNAKULAM, SHANMUGHAM RD, MARINE DRIVE, KOCHI, ERNAKULAM, KERALA., PIN - 682011.
2. REYNOLD PAREDES MAHINAY, AGED 60 YEARS CHIEF OFFICER OF VESSEL MSC ELSA 3, PHILIPPINE NATIONAL, HOLDING PASSPORT BEARING NO. P60059 85A, B15 L11 MARINAO SOUTH CENTER POINT MOONWALK, PARANAQUE CITY CURRENTLY RESIDING AT VIVANTA ERNAKULAM, SHANMUGHAM RD, MARINE DRIVE, KOCHI, ERNAKULAM, KERALA, PIN - 682011.
3. OLEKSII CHORNYI, AGED 50 YEARS CHIEF ENGINEER OF VESSEL MSC ELSA 3, UKRAINIAN NATIONAL HOLDING PASSPORT BEARING NO. FH039 273, 14 LYTOVSKA STR. APP2, ODESA, UKRAINE CURRENTLY RESIDING AT VIVANTA ERNAKULAM, SHANMUGHAM RD, MARINE DRIVE, KOCHI, ERNAKULAM, KERALA, PIN - 682011.
4. KAKHIDZE ROMAN, AGED 55 YEARS 2ND ENGINEER OF VESSEL MSC ELSA 3, GEORGIAN NATIONAL HOLDING PASSPORT BEARING NO. HAB047 67, RURUA STR 5 APP 45, BATUMI, GEORGIA CURRENTLY RESIDING AT VIVANTA ERNAKULAM, SHANMUGHAM RD, MARINE DRIVE, KOCHI, ERNAKULAM, KERALA, PIN - 682011.
5. HORDYEVYEV VALERIY, AGED 69 YEARS ELECTRO TECHNICAL OFFICER OF VESSEL MSC ELSA 3, UKRAINIAN NATIONAL HOLDING PASSPORT BEARING NO. FU513 460, APT 378, 55/6, LUFSDORFSJATA DOROGA, ODESA, UKRAINE CURRENTLY RESIDING AT VIVANTA ERNAKULAM, SHANMUGHAM RD, MARINE DRIVE, KOCHI, ERNAKULAM, KERALA, PIN - 682011.
6. CASTANEDA RONALD PUNZALAN, AGED 44 YEARS ABLE SEAMAN OF VESSEL MSC ELSA 3, PHILIPPINE NATIONAL HOLDING PASSPORT BEARING NO. P1992 447B, 0598 CUBCUB CAPAS TARLAC, PHILLIPPINES CURRENTLY RESIDING AT VIVANTA ERNAKULAM, SHANMUGHAM RD, MARINE DRIVE, KOCHI, ERNAKULAM, KERALA, PIN - 682011.
7. VELASCO RYAN ONTOLAN, AGED 33 YEARS MOTORMAN OF VESSEL MSC ELSA 3, PHILIPPINE NATIONAL HOLDING PASSPORT BEARING NO. P9130 638B, POBLACION EAST SALUG, PHILLIPPINES CURRENTLY RESIDING AT VIVANTA ERNAKULAM, SHANMUGHAM RD, MARINE DRIVE, KOCHI, ERNAKULAM, KERALA, PIN - 682011.

RESPONDENTS:

1. UNION OF INDIA REPRESENTED BY SECRETARY, MINISTRY OF PORT, SHIPPING AND WATERWAYS, HAVING HIS OFFICE AT PARIVAHAN BHAVAN, 1, PARLIAMENT STREET, NEW DELHI, PIN - 110001.
2. DIRECTOR GENERAL OF SHIPPING HAVING OFFICE AT KABJUR VILLAGE RD, 9TH FLOOR BETA BUILDING, I-THINK TECHNO CAMPUS, KANJURMARG EAST, MUMBAI,

- MAHARASHTRA, PIN - 400042.
3. PRINCIPAL OFFICER, MERCANTILE MARINE DEPARTMENT KOCHI, WILLINGDON ISLAND, KOCHI, KERALA., PIN - 682009.
 4. STATE OF KERALA REPRESENTED BY SECRETARY, HOME DEPARTMENT SECRETARIATE, THIRUVANANTHAPURAM , PIN - 695001.
 5. INSPECTOR GENERAL OF POLICE COASTAL SECURITY, KERALA COASTAL POLICE HEADQUARTERS, SHANMUGHAM ROAD, MARINE DRIVE, ERNAKULAM, PIN - 682031.
 6. STATION HOUSE OFFICER COASTAL POLICE STATION, FORT KOCHI, 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

a) pass an order directing the Respondent No. 3 consider and pass orders allowing Exhibit P20 representation submitted by the Petitioner No. 5, within a time frame to be mentioned by this Hon'ble Court, pending disposal of this Writ Petition.

b) pass appropriate orders directing the release of the Petitioners' Passports and permitting Petitioners to return to their respective countries of residence, pending disposal of this Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 22-05-2026 and upon hearing the arguments of SRI.GRASHIOUS KURIAKOSE (SR.) along with M/S. PRANOY K.KOTTARAM, AMITAVA MAJUMDAR, GOENKA RUCHIR BIKAS CHANDRA, ASHUTOSH TIWARI, SIVARAMAN P.L, ATHUL BABU & SREENAND UDAYAN, Advocates for the petitioners, SMT.GOWRI MENON, CENTRAL GOVERNMENT COUNSEL, for R1 to R3 and of GOVERNMENT PLEADER for R4 to R6, the court passed the following:

MONDAY, THE 8TH DAY OF JUNE 2026

WP(C) No. 17115 of 2026

IVANOV ALEXANDER & OTHERS

VS

UNION OF INDIA & OTHERS

ADVS FOR PETITIONER/S:

SRI.PRANOY K.KOTTARAM, SHRI.AMITAVA MAJUMDAR, SHRI.GOENKA RUCHIR BIKAS CHANDRA, SHRI.ASHUTOSH TIWARI, SHRI.SIVARAMAN P.L, SHRI.ATHUL BABU, SHRI.SREENAND UDAYAN, SRI.GRASHIOUS KURIAKOSE (SR.)

ADVS FOR RESPONDENT/S:

SMT.GOWRI MENON, CGC



WP(C) No.17115 of 2026**2****BECHU KURIAN THOMAS,J****WP(C) No.17115 of 2026****Dated this the 08th day of June, 2026****ORDER**

The writ petition seeks for permitting the petitioners who were the crew members of the vessel 'MSC ELSA 3' to leave India.

2. It is informed by the learned ASGI that under Section 360 of the Merchant Shipping Act, 1958, an application was made on 12.09.2025 to JFCM-I, Thoppumpady, seeking a formal investigation into the casualty caused on account of the sinking of the vessel 'MSC ELSA 3'. It was also submitted on behalf of the 6th respondent that the final report in respect of Crime No.14/2025 of Coastal Police Station, Fort Kochi had been filed before the JFCM-I, Thoppumpady, on 30.05.2026.

3. The Registry shall get instructions from the learned JFCM-I, Thoppumpady, as to the following:

- (i) the reason for the delay in commencing investigation pursuant to the aforesaid request made under S.360 of MSA, 1958 and also the details of the proceedings that took place from the date of receipt of the said formal application till date.
- (ii) timeline within which the investigation can be completed, and also as to whether the date fixed for examining the Master of the vessel, as well as the Chief

WP(C) No.17115 of 2026**3**

Engineer, can be preponed from 27.6.2026 to an earlier date.

(iii) whether cognizance has been taken pursuant to the final report in Crime No.14/2025 of Coastal Police Station and, if so, the date of appearance fixed for the accused in the said case, if any. The report shall be made available, at the earliest, at any rate, by tomorrow.

Post on 09.06.2026.

sd/-



**BECHU KURIAN THOMAS
JUDGE**

pm