

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
Monday, the 15th day of June 2026 / 25th 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. HORDYEV 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) For the reasons stated in the Writ Petition, this Hon'ble Court may be pleased to 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 orders dated 09-06-2026 and upon hearing the arguments of M/S.GRASHIOUS KURIAKOSE, SENIOR ADVOCATE 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, SHRI.P.SREEKUMAR, ADDITIONAL SOLICITOR GENERAL OF INDIA along with SMT. GOWRI MENON,CENTRAL GOVERNMENT COUNSEL for R1 to R3 and of Smt.PARVATHY KOOTTOLIL, SENIOR GOVERNMENT PLEADER for R4 to R6 (B/o.), the court passed the following:

BECHU KURIAN THOMAS, J.

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W.P.(C) No. 17115 of 2026
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Dated this the 15th day of June, 2026

ORDER

It is submitted by Sri.Grashious Kuriakose, the learned Senior Counsel that pursuant to the order dated 09.06.2026, petitioners 1 and 3 appeared before the learned Magistrate in the proceedings under Section 360 of the Merchant Shipping Act, 1958; and the matter has been posted to 17.06.2026, for appointment of an Assessor.

2. Sri.P.Sreekumar, the learned Additional Solicitor General of India, submitted that the list of assessors is ready and the same will be submitted before the learned Magistrate on the next posting date.
3. Smt.Parvathy Koottolil, the learned Government Pleader, submitted that the final report has been resubmitted after curing the defects, and the learned Magistrate has already taken cognizance and numbered the case as C.C.No.140/2026.
4. Since cognizance has already been taken, petitioners 1 to 4, who are arrayed as accused in the said crime, are at liberty to approach the learned Magistrate either on receipt of summons or by filing petition to advance the case and seek appropriate reliefs.

List this writ petition for further consideration on 30.06.2026.

sd/-
BECHU KURIAN THOMAS
JUDGE

AMV/15/06/2026