

FRIDAY, THE 18TH DAY OF SEPTEMBER 2026

WP(C) No. 14599 of 2020

M.S. ANIL

VS

STATE OF KERALA & OTHERS

ADVS FOR PETITIONER/S:

SHRI.D.ANIL KUMAR

ADVS FOR RESPONDENT/S:

DIRECTOR GENERAL OF PROSECUTION, SRI.SUMAN CHAKRAVARTHY,
SENIOR GOVT.PLEADER, GOVERNMENT PLEADER

A.BADHARUDEEN, J.

W.P.(C.) No.14599 of 2020
&
Crl.M.C. No. 5539 of 2020

Dated, this the 18th day of September, 2026

ORDER

Today the learned Special Public Prosecutor appearing for the Vigilance has placed a report given by Dr.Veena N. Madhavan, IAS, Secretary, addressed to the Advocate General, Ernakulam along with G.O.(Rt.) No.58/2026/BCDD dated 17.09.2026.

2. As per the above Government Order and as stated in the report, it has been stated as under:-

"W.P.(C)No.14599/2020 filed by Shri.M.S.Anil before the Hon'ble High Court of Kerala with respondents State of Kerala represented by the Chief Secretary, the Director, V&ACB and the State Police Chief. The Secretary, BCDD has not been arrayed among the respondent and no correspondence was received in the matter before 10.9.2026. As per the order dated 14.08.2026 in W.P.(C)No.14599/2020, the Hon'ble High Court gave direction to the Secretary, Backward Classes

Development Department, or the competent authority, before whom the request to grant prosecution sanction is pending, to consider the request for prosecution sanction and pass appropriate orders without fail on or before 10.09.2026. The Secretary, Backward Classes Development Department, is not arrayed as a respondent in the case. The above order of the Hon'ble High Court and any communication relating to this case have not been received by this department before 10.09.2026. And also submitted that no proposal for prosecution sanction is pending in this department before 10.09.2026. As per the Order dated 10.09.2026 of the Hon'ble High Court of Kerala in W.P.(C)No.14599/2020 filed by Shri.Anil M.S., the Secretary, Backward Classes Development Department has appeared on 11.09.2026 before the Hon'ble High Court of Kerala. On 11.09.2026 the Hon'ble High Court of Kerala has passed an Order wherein if the order failed to be produced, the Secretary shall appear in person on 18.09.2026.

The Vigilance Department has furnished the proposal for prosecution (b) sanction on 10.09.2026 (evening). When it was examined, it is seen that the accused persons are private parties (ie.Shri. Vellappally Natesan, General Secretary, Sreenarayana Dharmmaparipalana Yogam, Shri. Soman, President, Dharmmaparipalana Yogam,

Shri.Sabu K.S., Former Secretary, Pulpalli S.N.D.P Union, S.N.D.P. Yogam).

Hence, the Department of Backward Classes Development Department need not issue prosecution sanction as per Section 19 (b) (1) of Prevention of Corruption Act 1988, against aforesaid accused persons, who are not Government officials, as requested by the Vigilance Department and appropriate orders has been issued vide G.O.(Rt)No.58/2026/BCDD dated 17.09.2026. The above position & Government Order may be brought to the kind attention of the Hon'ble High Court.

A copy of the above Government Order is enclosed herewith for favour of further necessary action."

This report and G.O.(Rt.)No.58/2026/BCDD dated 17.09.2026 have been appended as part of the records of this Court.

3. Then, the matter is heard to decide the issue involved.

4. According to the learned counsel for the petitioner in W.P.(C.) No. 14599/2020, since the accused persons herein are public servants, as defined under

Section 2(c)(xii) of the Prevention of Corruption Act, 1988 in order to prosecute them, sanction is necessary. In this connection, the learned Special Public Prosecutor for the Vigilance also submitted that the view of the Secretary is incorrect and according to him, sanction is necessary.

5. Later, the learned State Attorney appeared and wanted to argue the matter on the submission that he was authorised by the learned Advocate General to appear in this matter.

Post on 22.09.2026, treating the matter as part heard for hearing the learned State Attorney and for orders.

In this connection, the Investigating Officer is directed to produce copy/copies of the final report/reports submitted for prosecution sanction.

sd/-
A. BADHARUDEEN,
JUDGE