

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 11TH DAY OF AUGUST 2023 / 20TH SRAVANA, 1945

WP(C) NO. 25915 OF 2023

PETITIONER/S:

LIJEESH M.J @ LIJEESH MULLEZHATH
AGED 43 YEARS
MULLEZHATH HOUSE, MUPLIYAM, NEAR VIMAL JYOTHI SCHOOL,
MUPLIYAM P.O, THRISSUR, DISTRICT, PIN - 680312

BY ADVS.
PRABHU K.N.
MANUMON A.
REBIN VINCENT GRALAN
DINESH G WARRIER

RESPONDENT/S:

- 1 STATE OF KERALA REPRESENTED BY DIRECTOR, DIRECTORATE
OF CULTURE
ANANTHAVILASAM PALACE, THEKKENADA FORT P.O
THIRUVANANTHAPURAM, PIN - 695023
- 2 KERALA STATE CHALACHITRA ACADEMY
REPRESENTED BY ITS CHAIRMAN SATHYAN MEMORIAL
BUILDING, KINFRA FILM & VIDEO PARK, CHANTHAVILA,
SAINIK SCHOOL. P.O., KAZHAKUTTOM, THIRUVANANTHAPURAM,
PIN - 695585
- 3 RANJITH
CHAIRMAN KERALA STATE CHALACHITRA ACADEMY SATHYAN
MEMORIAL BUILDING, KINFRA FILM & VIDEO PARK,
CHANTHAVILA, SAINIK SCHOOL. P.O., KAZHAKUTTOM,
THIRUVANANTHAPURAM, PIN - 695585
- 4 NEMOM PUSHPARAJ
JURY MEMBER, KERALA STATE AWARDS FOR MALAYALAM FILMS
& WRITINGS ON CINEMA 2022 SATHYAN MEMORIAL BUILDING,
KINFRA FILM & VIDEO PARK, CHANTHAVILA, SAINIK SCHOOL.
P.O., KAZHAKUTTOM, THIRUVANANTHAPURAM, PIN - 695585
- 5 KERALA STATE POLICE CHIEF

KERALA STATE POLICE HEAD QUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM, PIN - 695010

- 6 STATE OF KERALA REPRESENTED BY CHIEF SECRETARY
(SOUGHT TO BE IMPEADED)
SECRETARIAT, THIRUVANANTHAPURAM-695001 (SOUGHT TO BE
IMPEADED)
- 7 JENCY GREGORY (SOUGHT TO BE IMPEADED)
JURY MEMBER, KERALA STATE AWARDS FOR MALAYALAM FILMS
&WRITINGS ON CINEMA 2022 SATHYAN MEMORIAL BUILDING,
KINFRA FILM & VIDEO PARK, CHANTHAVILA, SAINIK SCHOOL.
P.O., KAZHAKUTTOM, THIRUVANANTHAPURAM (SOUGHT TO BE
IMPEADED)
- 8 VINAYAN (SOUGHT TO BE IMPEADED)
S/O GOVINDA KURUP, BHARATHI PIPELINE ROAD, PALARIVATTOM
COCHIN 25 (SOUGHT TO BE IMPEADED)
- 9 V.S HAIDAR ALI (SOUGHT TO BE IMPEADED)
CHIEF EDITOR- MOVIE WORLD MEDIA 35, C P UMMER ROAD,
PULLEPADY, KOCHI, ERNAKULAM, KERALA (SOUGHT TO BE
IMPEADED)

BY ADVS.

ADVOCATE GENERAL OFFICE KERALA
JOSE JONES , SUDHIVASUDEVAN ASSOCIATES

No Advocate

No Advocate

No Advocate

No Advocate

A.SUDHI VASUDEVAN (SR.) (K/43/1986)

SHILPA SATHISH (K/001571/2018)

ADITH KIRAN R.S. (K/003142/2022)

SHRI.T.B.HOOD, SPL.G.P. TO A.G.()

OTHER PRESENT:

SRI. T.B.HOOD, SPL. GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

W.P.(C) No.25915 of 2023

Dated this the 11th day of August, 2023

JUDGMENT

The above writ petition is filed with the following prayers:

" i) set aside Exhibit P2 declaration of Kerala State Awards For Malayalam Films & Writings On Cinema 2022 dated 21-07-2023 issued by the 2nd respondent by a writ of certiorari or any other appropriate writ, order or direction.

ii) issue a writ in the nature of mandamus or any other writ, direction or order directing the respondents 1&5 to conduct an enquiry and take appropriate action as against the 3rd respondent.

iii) Grant such other relieves which this Honourable Court may deem fit and proper in the circumstances of the case."[SIC]

2. Petitioner is the director of a Malayalam movie "Aakashathinu thazhe". The above film was Serial No.88 of the list of feature films listed for the Kerala State Film Awards - 2022. Third respondent is the Chairman of the Kerala State Chalachithra Academy and the Fourth respondent is the Jury

member of the final judging panel and Chairman of first primary judging sub committee, Kerala State Awards for Malayalam Films & Writings on Cinema- 2022. Ext.P1 is the list of feature films submitted for the Kerala State Film Awards – 2022. It is submitted by the petitioner that, after the declaration of Kerala State Awards for Malayalam Films & Writings on Cinema – 2022 on 21.07.2023, an allegation was raised by One Mr. Vinayan, director of a Malayalam movie “Pathonpatham Noottandu” that he is in possession of evidence which includes voice recordings of Jury Members of Kerala State Awards for Malayalam Films & Writings on Cinema 2022 to establish that the 3rd respondent had illegally intervened causing bias and nepotism in the decision making of Kerala State Awards for Malayalam Films & Writings On Cinema 2022. It is also submitted by the petitioner that the 4th respondent in his statements to Movie world media person Mr. V.S Haider Ali had confessed that he had revealed the entire procedures causing irregularities in the decision making of Kerala State Awards for Malayalam Films & Writings on Cinema 2022 to one of his ex-colleague who might

have recorded the same and handed over to the former Mr. Vinayan. It is also stated in the writ petition that the 3rd respondent is not entitled to continue in the post of the Chairman, Kerala State Chalachitra Academy for the reason that he had intervened causing bias and nepotism in the decision making of Kerala State Awards for Malayalam Films & Writings On Cinema 2022 which is none other than an extra judicial confession. It is the case of the petitioner that, he is a victim of bias and nepotism by the acts of the 3rd respondent. According to the petitioner there is violation of Article 14 of the Constitution of India. It is also submitted that, Ext.P2 is *void-ab initio* vitiated by bias and nepotism. Hence this writ petition is filed.

3. Heard the learned counsel appearing for the petitioner and Sri.T.B.Hood, the learned Special Government Pleader .

4. After hearing both sides, I am of the considered opinion that, this writ petition need not be entertained based on the hearsay evidence stated by the petitioner in this writ petition. The main pleadings in this writ petition contained in

paragraph No.2, which is extracted hereunder:

"After declaration of Kerala State Awards For Malayalam Films & Writings On Cinema 2022 on 21-07-2023 True copy of declaration of Kerala State Awards For Malayalam Films & Writings On Cinema 2022 dated 21-07-2023 is produced herewith and marked as Exhibit P2 followed by an allegation raised by one Mr. Vinayan Director of the Malayalam Movie "Pathonpatham Noottandu" that he is in possession of evidence which includes voice recordings of Jury Members of Kerala State Awards For Malayalam Films & Writings on Cinema 2022 to establish that the 3 respondent had illegally intervened causing bias and nepotism in the decision making of Kerala State Awards For Malayalam Films & Writings On Cinema 2022 the 4th respondent in his statements to Movie world media person Mr.V.S Haider Ali had confessed that he had revealed the entire procedures causing irregularities in the decision making of Kerala State Awards For Malayalam Films & Writings on Cinema 2022 to one of his ex colleague who might have recorded the same and handed over to the former Mr. Vinayan and had specifically stated that the 3rd respondent is not entitled to continue in the post of the Chairman Kerala State Chalachitra Academy for the reason that he had intervened causing bias and nepotism in the decision making of Kerala State Awards For Malayalam Films & Writings On Cinema 2022 which is none other than an extra judicial confession."

5. The pleadings itself is confusing. Moreover, Mr.Vinayan, director of the Malayalam movie "Pathonpatham

Noottandu” is not made a party in this writ petition. Today, a petition is filed to implead him and two others in the writ petition. Mr.Vinayan is not coming before this Court or Mr. V.S Haider Ali is not coming before this Court or Mr. Nemam Pushparaj is not coming before this Court for raising the allegation mentioned in paragraph No.2 of this writ petition.

6. The amendment of cause title and pleadings is filed today. According to me, the same need not be entertained and hence, the same is dismissed.

7. The Special Government leader submitted that the Government as per GO (Ms.) No. 18/2021/CLAD dated 13.07.2021 approved the revised regulations for the Kerala State Award for Malayalam Films and Writing on cinema. The Government Pleader also submitted that the regulation is annexed to the GO. As per the regulations, the awards for feature films in Malayalam are given under 34 sections/categories and two awards are given for books/article on cinema in Malayalam. The Government Pleader submitted that as per Clause III(1) of the Regulation, the entry for the

award shall be submitted by the Producer of the film. Therefore, the grievance, if any regarding the Kerala State Film Awards could be raised only by the Producer of the film. Since, the petitioner is the Director of the film 'Aakaashathinu Thazhe", the petitioner has no locus standi in the submission. There is some force in this point also. Since the petitioner is not the Producer of the film and the Producer is not coming before this Court, I think this writ petition need not be entertained on that ground also.

8. According to the Government Pleader, as per Clause III(3) of the Regulation envisages two tier system of judging committee, which are to be constituted by the Government to examine and determine the awards and they are Preliminary Selection Jury and Main Jury. The Preliminary Selection Jury consists of 8 members, who are divided into two sub-committees with a Chairman and 3 members in each of the sub-committees. Preliminary Selection Jury sub-committee view the entries submitted for the State Award and nominate films for the final selection, which will be screened before the Main Jury.

The films rejected by the Preliminary Selection Jury can be recalled from the entry list by the Main Jury, if at least 4 members endorse the same. The final decision will be that of the Main Jury, which has 7 members including the Jury Chairman. It is submitted that the 4th respondent was the Chairman of the Preliminary Selection Jury (1st committee) and Sri.K.m.Madhusudhanan was the Chairman of the Preliminary Selection Jury (2nd sub-committee). The film presented by the Producer "Aakaashathinu Thaaazhe" was screened before the Preliminary Selection Jury (2nd sub-committee) of which Sri.K.M.Madhusudhanan was the Chairman. The Preliminary Selection Jury chaired by Sri.K.M. Madhusudhanan did not nominate the film "Aakaashathinu Thaaazhe" directed by the petitioner and hence, the film did not qualify for the final round of the Kerala State Film Award, 2022 is the submission. If that is the case, the allegation of the petitioner in the writ petition that there is bias and nepotism has no standing. Moreover, the allegation of bias and nepotism attributed against the 3rd respondent who is the Chairman of the Kerala State Chalachitra

Academy are too vague and not specific. No supporting evidence is produced by the petitioner. In such circumstances, this Court is of the opinion that this writ petition need not be entertained. This is a writ petition filed based on hearsay evidence without any supporting material. This writ petition ought to have been dismissed with cost. But since the writ petition is not admitted, I am not imposing cost.

Therefore, there is no merit in this writ petition and accordingly, it is dismissed.

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

DM
SKS

APPENDIX OF WP(C) 25915/2023

PETITIONER EXHIBITS

Exhibit P1 TRUE COPY OF THE LIST OF FEATURE FILMS
SUBMITTED FOR THE KERALA STATE FILM AWARDS
2022

Exhibit P2 TRUE COPY OF DECLARATION OF KERALA STATE
AWARDS FOR MALAYALAM FILMS &WRITINGS ON
CINEMA 2022 DATED 21-07-2023