MONDAY, THE 16TH DAY OF NOVEMBER 2026
WP(CRL.) No. 1756 of 2026 (FILING NO)

ADV.K.M.SHAJAHAN

VS

STATE OF KERALA & OTHERS

ADVS FOR PETITIONER/S:
SRI.V.SETHUNATH, SHRI.SHAMNAS S

C.JAYACHANDRAN,J.
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Unnumbered W.P.(Crl.)(Filing No.1756) of 2026
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Dated this the 16th day of November, 2026

O R D E R

This Writ Petition has come up before me today based on a defect noted by the Registry, calling upon the petitioner to clarify his interest in the subject matter. From the petitioner's explanation – as revealed from the Registry's note - the petitioner claims his entitlement to challenge the illegality in a vigilance case as a citizen of India and a whistle-blower. Petitioner maintains that the *locus standi* of the complainant is a concept foreign to criminal jurisprudence. Any member of the public can file a statutory appeal and there is no victim in cases booked under the Prevention of Corruption Act, is the stand taken by the petitioner. Accordingly, the matter has been sent to the Bench to decide on the defect noted.

2. Heard the learned counsel for the petitioner and the learned Advocate General on behalf of the respondents. While addressing the issue of defect, this Court conveyed its preliminary concern on two aspects, the first being the

petitioner's locus, which is the defect noted; and the second, on the jurisdiction of this Court as per roster, in case the petitioner is found to have locus.

3. Learned counsel for the petitioner relied on a series of judgments to point out that the petitioner has locus. The first is ***A.R.Antulay v. Ramdas Sriniwas Nayak and Another*** [(1984) 2 SCC 500]. The second is ***Ratanlal v. Prahlad Jat and Others*** [(2017) 9 SCC 340]. Third is ***V.S.Achuthanandan v. R.Balakrishna Pillai and Others*** [(2011) 3 SCC 317]. The fourth is a case where the petitioner herein himself was the petitioner, that is ***K.M.Shajahan (Adv) v. State of Kerala*** [W.P.(Crl.)No.968/2026] [2026 KHC Online 2439 (Ker.)]. Learned counsel also relied on a Bench decision of this Court in ***Bobby Kuruvila v. State of Kerala*** [2025 (6) KHC 93 (Ker.)].

4. According to the learned counsel, the genesis of the case stems from a complaint preferred by two persons by name Jaison Panikulangara and P.Raju, both of whom are now no more. Ext.P5 Communication of the Vigilance Director

- finding that there is no vigilance angle in the complaint preferred by the defacto complainants - is under challenge in this Writ Petition. The petitioner in his capacity as a citizen and also as a whistle-blower has every right to maintain a challenge against Ext.P5, is the submission made by the learned counsel for the petitioner.

5. This was seriously opposed by the learned Advocate General. It was pointed out that a Writ Petition was initially preferred by one among the defacto complainants, by name Jaison Panikulangara, as W.P.(C).No.26555/2020. The said Writ Petition was withdrawn, with liberty to move the matter under the Public Interest Litigation jurisdiction. Thereafter, the same defacto complainant moved this Court by filing a Public Interest Litigation in W.P(C)No.27486/2020; and a Division Bench of this Court rejected the Writ Petition, finding that a C.B.I enquiry, as sought for in the Writ Petition, is not liable to be allowed. Instead, the petitioner was relegated to the remedies available in the Code of Criminal Procedure. Learned Advocate General would point out that the judgment was dated 09.12.2020, whereafter,

the defacto complainants have not chosen to carry any further Appeal or challenge in the matter. According to the learned Advocate General, the present challenge by the petitioner - who is a total stranger and who had not set the law in motion in the subject issue - cannot have any locus, especially when the defacto complainants have carried the matter to a logical conclusion.

6. Having heard the learned counsel appearing for the respective parties, this Court is of the opinion that even the question of locus has to be considered by the Court having jurisdiction as per roster, if at all the petitioner is ultimately found to have locus. The locus of the petitioner is very much a part and parcel of the subject matter of the Writ Petition, wherefore the same has to be considered by the Court having jurisdiction as per roster. It cannot be conceived in law that the question of *locus standi* can be considered by one Court, and upon finding that the petitioner has locus, the matter will be considered by another Court, having jurisdiction as per roster. There is no dispute, whatsoever, that the petitioner is claiming the

capacity of a whistle-blower. In similar circumstances, one among the defacto complainants have already chosen to invoke the Public Interest Litigation jurisdiction, for which reason he got his first Writ Petition withdrawn and pursued his public interest remedy before a Division Bench.

7. In such circumstances, there is a strong *prima facie* indication that the Writ Petition - if at all liable to be considered on merits - partakes the character of a Public Interest Litigation, liable to be considered by the Bench having jurisdiction as per roster; and not by this Court. If that be so, the petitioner's locus - which is very much part and parcel of the contentions raised in the Writ Petition, as also by the respondents - should necessarily be considered by the same Court.

In the light of the above, this Court request the Registry to place the matter before the Hon'ble the Chief Justice, for appropriate Orders.

Sd/-
C.JAYACHANDRAN
JUDGE

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