

GOVERNMENT OF KERALA

Law Department (Inspection wing)

CIRCULAR

No.8197/B2/76/Law

Dated, Trivandrum, 9<sup>th</sup> June, 1976.

Sub:- Statement of facts in interlocutory proceedings – Approval of – Clarification-  
regarding

G.O.(P)No.3/68/Law dated 6-2-1968 as amended by G.O.(P)No.2/C1/71/Law dated 01-10-1971 provides, among other things, that the Advocate General will finalise the counter affidavits in original petitions and other proceedings of an original character, on the basis of the statement of facts prepared by the Administrative Department and approved by the Suit Section of the Law Department. A doubt has been raised as to whether the above procedure has to be followed in respect of interlocutory applications for interim stay etc. also.

The Government have in G.O.(Ms) 54/73/Law dated 27-08-1973 created a post of Liaison Officer in the Advocate General's Office for all Department of the Government for the purpose of taking expeditious action in vacating stay orders and injunction orders passed by the High Court against the Government and the Department and appointed Shri. K.P.G. Menon as the Liaison Officer. Para 3 (iii) of the G.O. specifically authorizes the Liaison Officer to swear affidavits on behalf of the Government or Departmental Officers on the information available from the files in particular cases except in cases involving the formation of statutory opinion or satisfaction of the officers of the concerned Departments or where the bonafides or good faith of the impugned action is challenged by the petitioners. This authorization has been given to the Liaison Officer so as to enable him to take expeditious action by obviating the delays involved in following the usual procedure of getting the formal approval of the statement of facts by the Suit Section of the Law Department.

It is, therefore, clarified that the usual procedure in which statement of facts has to be got approved by the Suit Section of the Law Department prescribed in G.O.(P) No.3/68/Law dated 6-2-1968 as amended by G.O.(P)No.2/C1/71/Law dated 01-10-1971 is not applicable in the case of interlocutory matters before the High Court in which action is to be taken by the Liaison officer. In such matters it would be enough, if the Government or the Department, as the case may be, furnishes to the Liaison Officer direct necessary facts and materials so as to disclose prima facts the falsity of the allegations in the writ petitions and the irreparable loss or injury caused to Government by the orders passed by the High Court.

M.SEKHARAN,  
Law Secretary.

To

All the Departments and Officers in the Secretariat  
All Heads of Departments and Offices  
The Advocate General, Ernakulam  
The Liaison Officer, Advocate General's Office, Ernakulam  
The Stenographer to Law Secretary  
The Suit Section  
Stock File