

GOVERNMENT OF KERALA

Law Department

No.14675-A1/70/Law.

Dated, Trivandrum, 10th November, 1970.

CIRCULAR

Sub:- Conduct of Writ petitions in the High Court – production of copies of Exhibits –  
Regarding.

In the letter dated 27-10-1970 (appended) the Advocate General has pointed out the necessity of filing copies of the documents on which reliance is placed by the Government and the departmental Officers in the counter-affidavits filed by them in the Write petitions (if they have not already been produced by the petitioners as exhibits) along with the counter-affidavits.

2. In the circumstances, it is directed that all Heads of Departments and Secretaries to Government should see that 7 copies (to be typed in double space on one side only) of all the documents on which reliance is placed in the Statement of Facts and consequently in the counter-affidavit are made available to the office of the advocate General. It may however be noted that if the documents on which reliance is placed by the petitioner as exhibits along with the Writ petition, then copies of such document need not be sent to his office. Officers who at test the copies should pay particular attention to the correctness of the typing, as they will be held responsible for any adverse developments that may arise on this count.

Sd/- Chief Secretary to Government.

To

All Heads of Departments and Offices.

Endt. on L.Dis.65701/70 dated -12-70.

Copy with copy of letter on 27-11-70 forwarded to the Conservator of Forests and subordinate offices for information. Copy to Section Superintendents. Copy to stock file.

Sd/- for Chief Conservator of Forests.

Office of the Chief Conservator of Forests,  
Trivandrum.

Copy of letter No..23/70 dated 27th October 1970, from Sri. M.M.Abdulkhadir, Advocate General, Kerala, Ernakulam to Sri. P.Sankunni Menon, Law Secretary, Secretariat, Trivandrum.

Sub:- Conduct of Writ petitions in the High Court.

The Judges of the High Court are now insisting that copies of the documents on which reliance is planned by the Government and the departmental offices in the Counter Affidavits filed by them in the Writ petitions (if they have not already been produced by the petitioners as exhibits) should be produced along with the Counter affidavits as exhibits and that it is not sufficient that such documents are placed before the court at the time of hearing. It has therefore become necessary to produce along with the Counter Affidavits copies of all such documents as exhibits. As per the Rules framed by the High Court under Article 226 of the Constitution seven copies of the Counter Affidavits and the documents (relied on in the Counter Affidavit and marked as Exhibits) have to be produced in the High Court. Some of the documents relied as in the Counter Affidavits (especially these relating to service matters) consist of several page. The Officers deputed by the Government and the Heads of the departments to go over to my office and among the counter affidavits are constrained to stay at Erakulam till the typing work is over, for putting their signature in the Counter Affidavits and the typing staff in my office being very limited, such officers may have to stay at Ernakulam for two or three days, waiting only for the typed matters.

Under these circumstance, I request you to issue necessary instructions to all the Heads of departments and the various wings of the Secretariat to take necessary steps in their offices themselves, for making available to my office, seven copies (to be typed in double space on one side of thick paper) of all the document on which reliance is placed in the statement of facts, and consequently in the Counter Affidavits. It may be noted that if the documents on which reliance is placed in the statement of facts have already been produced by the petitioner as exhibits along with the writ petition, then copies of such documents need not be sent to this Office.

The matter may be treated as very Urgent

Copy to: K. T. section

For Conservator of Forests.