



2025:KER:80363

WP(PIL) NO. 108 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

TUESDAY, THE 21ST DAY OF OCTOBER 2025 / 29TH ASWINA, 1947

WP(PIL) NO. 108 OF 2025

PETITIONER/S:

ADV. VISHNU SUNIL PANTHALAM @ VISHNU SUNIL
AGED 35 YEARS
S/O SUNIL PANTHALAM, RESIDING AT NARAYANEEYAM,
THIRUMULLAVARAM, KOLLAM-, PIN - 691512

BY ADVS.
SRI.JOMY K. JOSE
SHRI.MUHAMMED ANSHIF T.K.

RESPONDENT/S:

- 1 DIRECTOR
VIGILANCE AND ANTI-CORRUPTION BUREAU
THIRUVANANTHAPURAM -, PIN - 695001
- 2 STATE OF KERALA
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT,
GOVERNMENT SECRETARIATE, THIRUVANNATHAPURAM-, PIN
- 695001
- 3 KERALA STATE CASHEW DEVELOPMENT CORPORATION LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR, CASHEW
HOUSE, POST BOX NUMBER 13, MUNDAKKAL, KOLLAM, PIN
- 691001
- 4 KERALA CASHEW BOARD LTD.,
TC-29/4016, WOMENS COLLEGE-BAKERY JUNCTION ROAD,
VAZHUTHACAUD, THIRUVANANTHAPURAM-, PIN - 695014



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- 5 DEPUTY SUPERINTENDENT OF POLICE
VIGILANCE AND ANTI- CORRUPTION BUREAU KAANKATHU
MUKKU, KOLLAM, KERALA, PIN - 691013
- 6 SOORANADU S. SREEKUMAR
DIRECTOR, KERALA STATE CASHEW DEVELOPMENT
CORPORATION LTD., CASHEW HOUSE, P.B.NO.13,
MUNDAKKAL, KOLLAM, - 691001
- 7 B.S. SURAN
DIRECTOR, KERALA STATE CASHEW DEVELOPMENT
CORPORATION LTD., CASHEW HOUSE, P.B.NO.13,
MUNDAKKAL, KOLLAM, - 691001
[ADDITIONAL R6 & R7 ARE IMPEADED AS PER ORDER
DATED 08/09/2025 IN WP(PIL)108/25]

BY ADVS.
SMT.MERLINE MATHEW
SRI.T.B.HOOD
SMT.M.ISHA
SRI.VIPIN P.VARGHESE
SHRI.ADARSH MATHEW
SHRI.ANIRUDH G. KAMATH
SHRI.AGUSTHO NORBERT
SMT.MEGHA MADHAVAN
SHRI.AHAMMED AMEEN A.F.

SRI.V. TEKCHAND-SR.GP

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION)
HAVING COME UP FOR ADMISSION ON 21.10.2025, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENTDated this the 21st day of October 2025NITIN JAMDAR, C.J.

Heard Mr. Muhammed Anshif T.K., learned counsel for the Petitioner, Mr. Vipin P. Varghese, learned counsel for Respondent Nos. 3, 6 and 7, Mr. T.B. Hood, learned counsel for Respondent No.4 and Mr. V. Tekchand, learned Senior Government Pleader.

2. This writ petition has been filed seeking to raise certain issues regarding the functioning of the Kerala Cashew Board. The petition, filed by an Advocate, is based on allegations of malpractice solely relying on a document which is a correspondence addressed by the Director of the Cashew Development Corporation to the authorities. The communication issued by these Directors to the Petitioner also calls upon the Petitioner to assist in the matter as an Advocate. Yet, without impleading the two Directors as Co-Petitioners, the present petition has been filed solely on the basis of the information provided by them. Therefore, notice was issued to these two Directors by order dated 8 September 2025, observing thus:

“Heard Mr. Jomy K. Jose, learned counsel for the Petitioner, Ms. Merline Mathew, learned counsel representing Mr. Vipin P. Varghese, learned Standing Counsel for Respondent No.3 – Kerala State Cashew Development Corporation Ltd. and Ms. Thushara James, learned Senior Government Pleader.

2. The entire petition is based on an objection raised



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by the two Directors of the Respondent Corporation. The Petitioner has clarified that the Petitioner is a practising Advocate and he has no knowledge of the functioning of the Kerala Cashew Board Ltd. and has taken up the cause in view of the complaints of the Directors of the Respondent Corporation. Ext.P5 is, in fact, a letter written by these Directors to the Petitioner to act as an Advocate. Before proceeding further to examine the cause on merits, the Court has to be careful to ascertain that Public Interest Litigation petitions are not proxy petitions masquerading private causes as in public interest.

3. 'Mr. Sooranadu S. Sreekumar, Director, Kerala State Cashew Development Corporation Ltd., Cashew House, P.B.No. 13, Mundakkal, Kollam - 691 001' and 'Mr. B.S. Suran, Director, Kerala State Cashew Development Corporation Ltd., Cashew House, P.B.No. 13, Mundakkal, Kollam - 691 001', who have addressed the letter, are joined as Additional Respondents in the writ petition. These parties will explain why they have not filed the petition as, according to the Petitioner, they have the first-hand knowledge. Amendment to be carried out before the next date. Copy of the petition be served on the two Directors.

4. This direction is not to be construed as a reflection on the merits of the cause. The counter affidavit be filed by the Respondent Corporation.

5. Post on 29 September 2025."

3. These two added Respondents appeared through an Advocate upon notice and have categorically stated that, according to the communication addressed by them, Respondent No. 3 convened a meeting and, after issuing the Ext. P5 letter, neither took any further



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action nor authorized or instructed any person to initiate legal proceedings or file a Public Interest Litigation on their behalf.

4. Therefore, we are not inclined to examine the issue at the behest of such Petitioner.

5. Keeping the cause open, we dispose of this petition. It is out of indulgence that we have not imposed costs on the Petitioner for this misadventure.

Sd/-

**NITIN JAMDAR
CHIEF JUSTICE**

Sd/-

**SYAM KUMAR V.M.
JUDGE**

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APPENDIX OF WP(PIL) 108/2025

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF THE ORDER G.O(RT)NO.1281/2023/ID DATED 21.12.2023
Exhibit P2	A TRUE COPY OF THE NOTICE NO. KCB/65/1011/2025/GHN(17) DATED 10.01.2025
Exhibit P3	A TRUE COPY OF THE AWARD OF CONTACT NO. KCB/65/1011/2025/GHN(17) DATE 06.03.2025
Exhibit P4	A TRUE COPY OF THE AOC SUMMERY DATED 25.08.205
Exhibit P5	A TRUE COPY SCREEN SHOT OF THE E-MAIL DATED 29.06.2025
Exhibit P6	A TRUE COPY SCREEN SHOT OF THE E-MAIL DATED 30.06.2025
Exhibit P7	A TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 5TH RESPONDENT DATED 13.08.2025 ALONG WITH THE TRANSLATION
Exhibit P8	A TRUE COPY OF THE COMPLAINT LETTER SUBMITTED BEFORE THE 1ST RESPONDENT DATED 16.08.2025 ALONG WITH THE TRANSLATION
Exhibit P9	A TRUE COPY OF THE COMPLAINT LETTER SUBMITTED BEFORE THE 2ND RESPONDENT DATED 16.08.2025 ALONG WITH THE TRANSLATION

RESPONDENT EXHIBITS

Exhibit R3(A)	True copy of the G.O (Ms) No. 96/2017/ID dated 04/10/2017
Exhibit R3(B)	True copy of the G.O. (Rt) No. 1281/2023/ID dated 21/12/2023
Exhibit R3(C)	True copy of the email dated 29.06.2025 issued by 6th Respondent to 3rd Respondent
Exhibit R3(D)	True copy of the email dated 30.06.2025 issued by 7th Respondent to 3rd Respondent
Exhibit R3(E)	True copy of the minutes of the board meeting of the 3rd Respondent dated 19/09/2025
Exhibit R3(F)	True copy of the letter dated



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- 03.09.2025 issued by Chairman of 3rd Respondent to 4th Respondent
- Exhibit R3(G) True copy of the reply letter dated 09/09/2025 issued by the 4th Respondent to 3rd Respondent
- Exhibit R3(H) True copy of G.O no. 847/2025/ID dated 15.07.2025

PETITIONER EXHIBITS

- Exhibit R4(i) True copy of the Phytosanitary Certificate dated 12.04.2025 issued by the Ministry of Food and Agriculture, Republic of Ghana in respect of Bill of Lading No. MEDUTM 387386
- Exhibit R4(a) True copy of communication dated nil issued by the 3rd respondent Corporation to the Chairman and Managing of the 4th respondent Board
- Exhibit R4(b) True copy of G.O. (Ms) No.96/2017/ID dated 04.10.2017 issued by the Government of Kerala
- Exhibit R4(c) True copy of G.O. (Rt) No.807/2018/ID dated 09.07.2018 issued by the Government of Kerala, along with annexure thereto,
- Exhibit R4(d) True copy of the detailed e-tender notice published by the 4th respondent on 10.01.2025 for import of raw cashew nuts of Ghana origin
- Exhibit R4(e) True copy of the Certificate of Origin dated 01.04.2025 issued by the Ghana National Chamber of Commerce and Industry in respect of Bill of Lading No. MEDUTM 385620
- Exhibit R4(f) True copy of the Certificate of Origin dated 12.04.2025 issued by the Ghana National Chamber of Commerce and Industry in respect of Bill of Lading No. MEDUTM 387386
- Exhibit R4(g) True copy of the Certificate of Origin dated 12.04.2025 issued by the Ghana National Chamber of Commerce and Industry in respect of Bill of Lading No.251886937
- Exhibit R4(h) True copy of the Phytosanitary Certificate dated 01.04.2025 issued by the Ministry of Food and Agriculture



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- Republic of Ghana in respect of Bill of Lading No. MEDUTM 385620
- Exhibit R4(j) True copy of the Phytosanitary Certificate dated 12.04.2025 issued by the Ministry of Food and Agriculture, Republic of Ghana in respect of Bill of Lading No. 251886937
- Exhibit R4(k) True copy of the Certificate of Weight and Quality dated 20.06.2025 issued by RBS Maritime Services, Tuticorin in respect of Bill of Lading No. 251886937
- Exhibit R4(l) True copy of the Certificate of Weight and Quality dated 25.06.2025 issued by RBS Maritime Services, Tuticorin in respect of Bill of Lading No. MEDUTM 385620
- Exhibit R4(m) True copy of the Certificate of Weight and Quality dated 25.06.2025 issued by RBS Maritime Services, Tuticorin in respect of Bill of Lading No. MEDUTM 387386