

W.P. (PIL) No. 37 of 2026

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MONDAY, THE 6TH DAY OF APRIL 2026

WP (PIL) No. 37 of 2026

SHAJI J. KODANKANDATH

VS

STATE OF KERALA & OTHERS

ADVS FOR PETITIONER/S:

SHRI.K.B.GANGESH, SMT.SMITHA CHATHANARAMBATH,
SHRI.HARISANKAR.K.V., SMT.ATHIRA A.MENON

ADVS FOR RESPONDENT/S:

GOVERNMENT PLEADER, SHRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE
GENERAL

SOUMEN SEN, C. J. & SYAM KUMAR V. M., J.

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W.P. (PIL) No. 37 of 2026

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Dated this the 6th day of April, 2026

Appearance:

For the Petitioner : Mr. K. B. Ganesh

For the Respondents : Mr. Jacob E. Simon

Mr. S. Renjith, Spl. GP

ORDER

Soumen Sen, C.J.

The affidavits filed by the petitioner and the Editor of Deepika daily newspaper tendering apology are taken on record and accepted. However, learned Special Government Pleader submits that the impugned publications are still available on the Facebook and Instagram pages of the petitioner.

2. It is submitted that the said posts were made prior to the order dated 26th March 2026. In the event such posts continue to remain available on Facebook and Instagram, the same shall be removed forthwith, and in any case, not later

than 24 hours. Subject to such undertaking, we propose to hear the matter on merits.

3. The affidavit filed by the Inspector of Police, Vigilance and Anti-Corruption Bureau, Special Investigation Unit-II, Thiruvananthapuram, on behalf of himself and respondent Nos. 5 and 6, has been placed before us by the Registry pursuant to our oral direction issued earlier today. It appears therefrom that the affidavit was affirmed on 11th March 2026; however, the same was defective for want of the seal of the deponent, and such defect has not been cured.

4. Time to cure the defect is extended till 7th April 2026. Subject to the aforesaid, the affidavit is taken on record.

5. In any event, the said affidavit has disclosed certain deficiencies in paragraph 21 which is stated below:

“21. It is humbly submitted that, based on the verification conducted with reference to the documents available in connection with the allegations raised in the complaint, the following deficiencies were observed:-

- *M/s Hexagon Geo systems India Private Limited was selected through the tender process with an estimated amount of Rs.168 crore for purchasing the equipment. Subsequently, changes were made to the specifications and quantities of the intended equipment, and for certain items, the price was increased up to sixteen times, resulting in a decision to procure equipment at more than double the original estimated cost.*
- *A large quantity of equipment purchased through the tender suffered damage within a short period and the issues remain unresolved.*
- *There were deficiencies in the tender procedures.”*

6. It further appears that although deficiencies were identified in the tender advertisement, the Government issued orders inviting a fresh tender without adhering to the provisions of the Stores Purchase Manual, with the clear objective of completing the large-scale project within the required time frame. The enquiry report recommends constitution of a team comprising technical experts, officials conversant with tender procedures and the Stores Purchase Manual, as well as officials from the Government Financial Inspection Wing and the Purchase Department, to verify both

the procurement procedure and the quality and performance of the equipment procured for the Digital Survey Project.

7. Report No. CPSP-2445/2023/SIU-II dated 20.06.2024 was prepared by the 6th respondent after verification. Upon perusal thereof, the Superintendent of Police, Vigilance and Anti-Corruption Bureau, Special Investigation Unit-II, concurred with the recommendations and, on 22nd June 2024, forwarded the report to the 5th respondent, the Director, Vigilance and Anti-Corruption Bureau. The 5th respondent, upon receipt of the same, forwarded the report to the Additional Chief Secretary, Vigilance, vide letter dated 22nd July 2024 for further necessary action. Thereafter, the Additional Chief Secretary, Vigilance, forwarded the enquiry report to the Principal Secretary, Revenue Department, vide communication dated 12th August 2024 for appropriate action. However, no affidavit has been filed by the Principal Secretary, Revenue Department.

8. In the above circumstances, we direct the Revenue Secretary, the 2nd respondent, to file an affidavit disclosing

the steps taken pursuant to the recommendations dated 12th August 2024. Prima facie, we do not find any material on record indicating action taken by the Principal Secretary, Revenue Department, upon receipt of the said communication recommending a detailed investigation. Such affidavit shall be filed within a period of three weeks from today, upon prior service on the learned counsel appearing for the parties.

9. The petitioner may file an affidavit subject to the undertaking and a comprehensive reply to the affidavit filed by the Revenue Secretary, within two weeks thereafter.

10. Post on 21st May 2026.

Sd/-
SOUMEN SEN
CHIEF JUSTICE

Sd/-
SYAM KUMAR V. M.
JUDGE