

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Con.Case(C).No. 130 of 2015 (S) IN WP(C).12759/2011

**AGAINST THE ORDER/JUDGMENT IN WP(C) 12759/2011 of HIGH COURT OF KERALA
DATED 25/6/2013**

PETITIONER(S)/ADDL.8TH RESPONDENT:-

**SHERRY THOMAS, AGED 59 YEARS
S/O.OOMMEN THOMAS, KOVOOR MANAPURATH HOUSE
KARAKKAL P.O., THIRUVALLA, PATHANAMTHITTA DISTRICT.**

BY ADV. SMT.MARY BENJEMIN

RESPONDENT(S)/1ST RESPONDENT:-

**E.K.MAAJI,, AGED ABOUT 55 YEARS
SECRETARY AND COMMISSIONER, DEPARTMENT OF REVENUE
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**

R1 BY ADV. SPL.GOVERNMENT PLEADER SMT.SUSHEELA R. BHATT

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

COC NO.130/2015

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE 1: CERTIFIED COPY OF THE JUDGMENT DATED 25/6/2013 IN WPC NO.12759/2011.

ANNEXURE II: COPY OF EXHIBIT P20 DATED 13.7.2011.

Rp

//TRUE COPY//

PS TO JUDGE

A.M. SHAFFIQUE, J.

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Contempt Court (Civil) No.130 of 2015

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Dated this, the 9th day of July, 2015

J U D G M E N T

This contempt petition has been filed alleging non compliance of the directions issued by this Court as per judgment dated 25/6/2013. By virtue of the said judgment, directions have been issued to the 1st respondent Government to dispose of Ext.P20 within a period of six months from the date of receipt of a copy of the judgment, after hearing all the affected parties. In the statement filed on behalf of the respondents, Government Order dated 17/3/2015 has been produced as Annexure R1(a) in which it is stated that Government have already passed order pursuant to the directions issued by this Court. It is pointed out by the learned counsel appearing for the complainant that before passing Annexure R1(a) order, no notice had been issued to the petitioner or any of the parties involved in the matter.

2. A perusal of Annexure R1(a) order indicates that there was no mention about any notice being issued to any of the parties involved in the matter. Hence, direction was issued by this

Court calling upon the respondent contemnor to file an affidavit as to whether any notice had been issued to the petitioner or additional respondents 5 to 7 in the writ petition before passing order dated 17/3/2015. Pursuant to the same, an affidavit has been filed by the contemnor *inter alia* stating that on account of a mistake committed by their office, notice was not issued to any of the parties. In the affidavit, it was stated that hearing could not be given to the affected parties inadvertently. Further, it is stated that the contemnor was not hearing the matter presently and the Government have decided to afford opportunity to all the affected parties in the case and the hearing was fixed on 16/6/2015. It is further stated that the successor in office of the Revenue Secretary has assured him that the matter will be disposed of within no time, after hearing all the parties concerned.

3. The deponent has also stated that there is no wilful lapse or negligence on his part and he has stated that "this respondent tenders unconditional apology in causing inconvenience to the Hon'ble Court".

4. Learned Special Government Pleader Smt.Susheela R.Bhatt appearing on behalf of the respondent submits that the

COC No.130/2015

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Government had already posted the matter for hearing on 15/7/2015 and notice has been issued to the concerned parties. Parties agree that they will appear before the concerned authority on 15/7/2015 and participate in the proceedings.

5. Having regard to the aforesaid factual situation, though it is pertinent to note that respondent had not taken appropriate steps with reference to the directions issued by this Court, still, taking into account the unconditional apology offered by the contemnor, I am of the view that no further proceedings need be initiated against the contemnor.

Accordingly, the contempt proceedings are dropped and the contempt petition is closed.

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge