

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

Con.Case(C).No. 144 of 2015 (S) IN WP(C).24172/2014

JUDGMENT IN WP(C) 24172/2014 DATED 12-12-2014

PETITIONER(S) :-

NATURE SUPER MARKET,
A FIRMA REGISTERED UNDER THE INDIAN PARTNERSHIP ACT
HAVING ITS OFFICE AT V.M.C. 6/219 BCDEF
NEAR MUNICIPAL BUS STAND, VARKALA
THIRUVANANTHAPURAM DISTRICT - 695 141.
(REPRESENTED BY ITS PARTNER
INDIRA DEVI. S, AGED 59 YEARS, D/O.SREEDHARAN
RESIDING AT SWAPNA NIVAS, VILAKKATHU KONAM
PAZHAYAKUNNUMMEL, KILIMANOOR P.O.
PAZHAYAKKUNNUMMEL VILLAGE, CHIRAYINKEEZHU TALUK
THIRUVANANTHAPURAM DISTRICT.

BY ADV.SRI.JOHNSON GOMEZ
BY ADV.SRI.S.BIJU (KIZHAKKANELA)

RESPONDENT(S)/SECOND RESPONDENT :-

K.SURYA PRAKASH, AGED 57 YEARS
SON OF KUNJUKRISHNAN, THE CHAIRMAN
THE VARKALA MUNICIPALITY
OFFICE OF THE VARKALA MUNICIPALITY, VARKALA
THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.RAJESH, SC, VARKALA MUNICIPALITY

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN
FINALLY HEARD ON 18-09-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

jvt

Con.Case(C).No. 144 of 2015 (S) IN WP(C).24172/2014

APPENDIX

PETITIONER(S) ' EXHIBITS :-

ANNEXURE A1: A TRUE COPY OF THE JUDGMENT DATED 12TH DECEMBER
2014 IN WPC NO. 24172 OF 2014 PASSED BY THIS HON'BLE COURT.

ANNEXURE A2: A TRUE COPY OF THE ORDER NO. A2-13160/2014 DATED
27/01/2015 ISSUED BY THE SECRETARY OF THE VARKALA
MUNICIPALITY.

ANNEXURE A3: A TRUE COPY OF THE NOTICE DATED 30/01/2015 ISSUED
BY THE RESPONDENT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
K. VINOD CHANDRAN, J.**

Cont. Case (C) No.144 of 2015

Dated this the 18th day of September 2015

J U D G M E N T

Ashok Bhushan, CJ.

This contempt case has been filed by the petitioner praying for initiating contempt proceedings for non-compliance of the directions issued in the judgment dated 12.12.2014 in W.P.(C) No.24172 of 2014. The learned Single Judge directed that the application for licence submitted by the petitioner shall be considered and appropriate orders shall be passed thereon within a period of one month.

2. The learned Standing Counsel appearing for the Municipality submits that the Secretary has already taken a decision for granting licence. However, the Chairman, as directed by Annexure A3, kept in abeyance the said decision till the matter is decided by the Council. Subsequently, the Council has decided to go in appeal. Now, since the Municipality has decided to withdraw the appeals, W.A.No.609 of 2015 and W.A.No.594 of 2015, filed by them, this Court, by a common judgment dated 18.9.2015 the said appeals have been dismissed as withdrawn. It

Cont. Case (C) No.144 of 2015

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is submitted by the learned Standing Counsel appearing for the Municipality that the order has already been handed over to the petitioner.

In the above view of the matter, we are of the view that no case has been made out to initiate contempt proceedings. Accordingly, the Contempt Case is closed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
K. VINOD CHANDRAN
JUDGE**

Jvt/22.9.2015.