

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Con.Case(C).No. 167 of 2015 (S) IN OP(Crl.).59/2014

AGAINST THE JUDGMENT IN OP(Crl.) 59/2014 of HIGH COURT OF KERALA,
DATED 17.06.2014

PETITIONER(S)/PETITIONER IN OPC:

AMBILI S., AGED 42 YEARS,
W/O.V.K.REGHU, AJAN NIVAS, PULLAD P.O.,
THIRUVALLA, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.S.PRAKASH

RESPONDENT(S)/RESPONDENTS 1 AND 2 IN OPC:

1. SRI. A.GOPAKUMAR, AGED ABOUT 54 YEARS,
RESIDING AT LEKSHMI BHAVAN, KUROTTIKADU MURI,
PATTAMBALAM THEKKUVARAM, MANNAR VILLAGE,
ALAPPUZHA DISTRICT - 688 001
SUB DIVISIONAL MAGISTRATE, REVENUE DIVISIONAL OFFICE,
THIRUVALLA, PATHANAMTHITTA DISTRICT.
2. SMT. MINI BHAI, (AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)
PANCHAYAT SECRETARY, KOIPURAM GRAMA PANCHAYAT,
PULLAD P.O, THIRUVALLA - 689 548.

R1 BY GOVERNMENT PLEADER SMT. V.H. JASMINE.
R2 BY ADV. SRI.S.JAYAKRISHNAN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON
03-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS :

ANNEXURE A1 : CERTIFIED COPY OF JUDGMENT IN O.P.(CRL.) NO. 59/2014 (Q) DATED 17.06.2014

ANNEXURE A2 : COPY OF REPRESENTATION DATED 24.07.2014.

RESPONDENTS EXHIBITS : NIL

//True Copy//

P.A. to Judge

K. RAMAKRISHNAN, J.

.....
C. O. C. No.167 of 2015
.....

Dated this the 3rd day of March, 2015

ORDER

Petitioner in O.P.Crl.59/2014 has filed this petition, seeking the intervention of this court for initiating contempt proceedings, against the first respondent herein, who has not complied with the directions given by this court.

2. On the basis of the allegations, notice has been issued to the first respondent and the first respondent has filed an affidavit stating the reason for the delay and also stated in the affidavit that he had conducted enquiry and passed final orders on 31.01.2015, on satisfying himself that, there is no public nuisance and decided to drop further proceedings. He has also made an unconditional apology for the delay caused in passing the order.

3. Though I am not satisfied with the reasons stated by the deponent for the delay, though he is bound to perform his statutory duties under other enactments like election law etc., he could have at least moved this court for seeking time instead of keeping the file without passing the orders, even after the expiry of the period. However

considering the circumstances, this court is inclined to accept the unconditional apology made by the respondent. Since the first respondent has already passed an order and the legality of the order can be challenged by the petitioner by moving the appropriate forum in accordance with law, that cannot be gone into by this court by competent proceedings.

In view of the fact that, the orders have already been passed in the proceedings by the first respondent and his unconditional apology for not complying with the direction and dispose of the case within the time specified this court has been accepted by this court, this court feels that, there is no necessity to make any further orders or direction in this contempt proceedings and the petition is closed.

Sd/-

K. Ramakrishnan, Judge

// True Copy //

P.A. to Judge

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