

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE**

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Con.Case(C).No.215 of 2015 (S)

(ORDER DATED 16-01-2015 IN WP(C) 1747/2015).

PETITIONER:

**KUNNAMPALLI UNNIKRIISHNAN,AGED 42 YEARS,
S/O.SAROJINI AMMA,KOTTAKKUNNU,
PUNNAPPALA (P.O),NILAMBUR TALUK.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.DILIP**

RESPONDENT:

**BABU RAJ,AGE NOT KNOWN,S/O.NOT KNOWN TO THE PETITIONER,
THE SUB INSPECTOR OFPOLICE, NLAMBUR POLICE STATION,
PIN-676542.**

BY SENIOR GOVT. PLEADER SRI.C.R.SYAMKUMAR.

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

pk

Con.Case(C).No.215 of 2015 (S)

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE-I: A CERTIFIED COPY OF THE INTERIM ORDER IN W.P(C)1747/2015
DATED 16.1.2015.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

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ASHOK BHUSHAN, Ag.C.J.

&

A.M. SHAFFIQUE, J.

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Cont.Case (C) No. 215 of 2015
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Dated this the 11th day of February, 2015

JUDGMENT

A.M.Shaffique, J.

The petitioner has approached this Court alleging contempt of Court by the respondents. An interim order was passed by this Court on 16.01.2015, which reads as under:

“Learned Government Pleader will obtain instructions from respondents 1 to 4. It shall be ensured by the jurisdictional police officers that law and order is maintained and no harm visits to the petitioner and his workers. It shall also be ensured that there is no forceful entry into the property belonging to the petitioner.

Issue notice by special messenger to respondents 5 to 6.

Post on 21.1.2015.”

2. It is inter alia contended that on 04.02.2015, the Taluk Surveyor of Nilambur Taluk, along with one Biju entered into the property of the petitioner and forcefully measured and made some marking in the property. If a

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measurement is done at the instance of the Taluk Surveyor, it does not mean that the Sub Inspector of Police has abetted the commission of any trespass. It is stated that the Sub Inspector of Police, Nilambur with two constables on duty had come to the property. But there is no indication that any person had trespassed into the property of the petitioner, at the instance of the police. The specific direction to the police was to ensure that no forceful entry into the property belonging to the petitioner shall take place.

Averments in the application does not indicate any such forceful entry by any person. Under such circumstances, we are of the view that no willful contempt has been committed by respondents. Accordingly, this contempt case is closed.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE