

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Con.Case(C).No. 341 of 2015 (S) IN WP(C).27392/2014

AGAINST THE JUDGMENT IN WP(C) 27392/2014 of HIGH COURT OF KERALA
DATED 29-10-2014

PETITIONER :

C.L.JOSEPH AGED 57 YEARS
S/O.C.J.LUKA, CHIRAYIL HOUSE, KIZHAKKUBHAGAM KARA
ETTUMANOOR, KOTTAYAM DISTRICT

BY ADV. SRI.R.VENUGOPAL

RESPONDENT :

SANTHI ELIZABATH THOMAS
(AGE AND FATHER'S NAME NOT KNOWN TO
THE PETITIONER) THE SPECIAL TAHSILDAR
LAND ACQUISITION (G), MINI CIVIL STATION
BEHIND THIRUNAKKARA TEMPLE, KOTTAYAM 686 002.

R BY GOVERNMENT PLEADER SRI.ABHIJETT LESSIL

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Con.Case(C).No. 341 of 2015 (S) IN WP(C).27392/2014

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE A1 : CERTIFIED COPY OF JUDGMENT IN WP(C).NO.27392/2014 DT.29.10.2014

ANNEXURE A2 : COPY OF NOTICE DT. 01/2015 OF THE RESPONDENT

ANNEXURE A3 : COPY OF NOTICE OF AWARD ISSUED BY THE RESPONDENT DT.-01-2015

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

PA TO JUDGE

AV

K.SURENDRA MOHAN, J.

Cont.Case(C).No.341 of 2015

Dated this the 24th day of March, 2015

J U D G M E N T

An affidavit has been filed by the respondent in answer to the allegations in the contempt case. According to the respondent, she was not aware of the judgment of this Court dated 29.10.2014, when she passed the award on 07.11.2014. Paragraphs 3, 4 & 5 of the affidavit reads as under :

“3. It is humbly submitted that Ext.P8 notice to the petitioner was sent on 9.10.2014. Thereafter, award was passed on 7.11.2014. The judgment of this Hon'ble Court was on 29.10.2014. Copy of the judgment communicated to this respondent by the petitioner by registered post was received on 2.2.2015. Till the receipt of the judgment of the Writ Petition, this respondent was not informed by the petitioner or any other authority that the above judgment was disposed by this Hon'ble Court by quashing the notice issued to the petitioner. The award dated 7.11.2014 was happened to be passed under the above circumstances.

4. It is humbly submitted that on receipt of the copy of the judgment, this respondent had issued immediate instructions to stop all further procedure in the land acquisition issue relating to the petitioner. Moreover, the land is not taken possession and all the proceedings are kept in abeyance.

5. It is submitted that I am ready and willing to obey any orders passed by this Hon'ble Court. The reason for passing award in the above case was due to the non information of the disposal of the Writ Petition before this Hon'ble Court to me. There is no willful laches or negligence on my part in not obeying the judgment of this Hon'ble Court. The

inconvenience caused to this Hon'ble Court is highly regretted.”

In view of the above statements made in the affidavit, explanation of the respondent is accepted. This contempt case is closed recording the statements made in the affidavit.

Sd/-
K.SURENDRA MOHAN, JUDGE.

AV