

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Con.Case(C).No. 1476 of 2009 (S)

AGAINST THE JUDGMENT IN W.P.(C).NO.22509/2008, DATED 24-06-2009

PETITIONER(S)/PETITIONER IN W.P(C) :

1. V.P.JOHN, S/O.J.PAULOSE, AGED 52 YEARS,
VADAKKANCHERY HOUSE, POWER HOUSE ROAD, ALUVA (DIED).

* ADDITIONAL P2 TO P4 IMPEADED

2. DOLLY JOHN,
WIDOW OF V.P.JOHN, VADAKKANCHERY HOUSE, KATTIKUZH ROAD,
PATTERIPURAM, ALUVA - 683 101.
3. EDWIN JOHN,
S/O.LATE V.P.JOHN, VADAKKANCHERY HOUSE,
KATTIKUZH ROAD, PATERIPURAM, ALUVA - 683 101.
4. KUNJAMMA PAULOSE
VADAKKANCHERRY HOUSE, KALLUNKAL LANE, ALUVA - 683 101.

* ADDITIONAL PETITIONERS NO.2, NO.3 AND NO.4 ARE IMPEADED AS PER
ORDER DATED 13.07.2015 IN I.A.NO.241 OF 2015.

BY ADVS.SRI.K.I.MAYANKUTTY MATHER
SRI.P.P.RAMACHANDRAN
SRI.K.S.SAJEEV KUMAR

RESPONDENT(S)/PETITIONERS 1 TO 3 IN W.P.(C) :

1. V.GOPINATH, IFS, AGE AND FATHER'S
NAME NOT KNOWN, MANAGING DIRECTOR,
KERALA STATE FINANCIAL CORPORATION, VELLAYAMBALAM,
THIRUVANANTHAPURAM.
2. K.M.HIRAN DAS, MANAGER,
AGE AND FATHER'S NAME NOT KNOWN,
KERALA STATE FINANCIAL CORPORATION, 1ST FLOOR,
FINANCE TOWER, KALOOR, ERNAKULAM, KOCHI-17.

Con.Case(C).No. 1476 of 2009 (S)

**3. REJI P.JOSEPH,
AGE AND FATHER'S NAME NOT KNOWN, DEPUTY TAHSILDAR (RR),
KERALA FINANCIAL CORPORATION, ERNAKULAM.**

**R1 & R2 BY ADV. SRI.K.JAJU BABU, S.C
ADV. SRI.M.M.SAYED MUHAMMED, SC
R3 BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL**

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 03-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

Con.Case(C).No. 1476 of 2009 (S)

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: TRUE COPY OF THE JUDGMENT IN
W.P.(C).NO.22509 OF 2008 DATED 24.06.2009.**

**ANNEXURE B: TRUE COPY OF THE REPRESENTATION SENT BY
THE PETITIONER TO THE RESPONDENTS DATED 20.07.2009**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

Cont.Case No.1476 of 2009

Dated this the 3rd day of August 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioner.

2. This contempt case has been filed for initiating action against non-compliance of the judgment dated 24/06/2009 in W.P.C.Nos.22509 of 2008 & 14323 of 2009. The Division Bench, by the said order, has made the following observations.

“We make it clear that in case any further steps have been taken by the revenue recovery authorities for attachment or sale, this judgment will not stand in the way of the respondents in recovering the charges in accordance with law.”

3. The contempt case has been filed by the petitioner stating that collection charges which were recovered have not been refunded by the respondents. The learned counsel for the petitioner, on a query, submits that although attachment was made, no sales were effected. He submits that under the relevant rules, the Corporation was not entitled to recover collection

charges.

4. We have considered the submissions and perused the records. From the order as quoted above, it is clear that this Court itself has observed that in the event attachment has been made, the judgment will not stand in the way of the respondents in recovering the charges in accordance with law. The attachment having been made, the judgment shall not come in the way of the respondents. From the aforesaid, it is clear that there is no wilful disobedience by the respondents in not refunding collection charges. No case has been made out by the petitioner to proceed with the contempt case.

This contempt case is closed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

