

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR. ASHOK BHUSHAN

&

THE HONOURABLE MR. JUSTICE A.M. SHAFFIQUE

WEDNESDAY, THE 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937

Con. Case (C). No. 587 of 2015 (S) IN WA.1045/2012

AGAINST THE JUDGMENT IN WA 1045/2012 of HIGH COURT OF KERALA DATED 14-06-2012

PETITIONER(S)/APPELLANT :

GEORGE VARGHESE AGED 62 YEARS
S/O. LATE I.V. VARKEY, ILLATHUPARAMBIL HOUSE
AMAYANOOR P.O, KOTTAYAM

BY ADV. SRI. L. RAJESH NARAYAN

RESPONDENT(S)/RESPONDENT

DAVID P. JOHN
AGED NOT KNOWN, FATHER'S NAME NOT KNOWN SECRETARY
AYARKUNNAM GRAMA PANCHAYATH, AYARKUNNAM POST
KOTTAYAM-686 564

R BY SR. GOVERNMENT PLEADER SRI. P.I. DAVIS

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON
21-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

COC.587/2015

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE A : CERTIFIED COPY OF THE JUDGMENT IN W.A. No.1045/12 DATED 14.6.2012

ANNEXURE B ; TRUE COPY OF NOTICE DATED 20.7.2012

ANNEXURE C : TRUE COPY OF THE LAWYER N OTICE DATED 8.2.2013

ANNEXURE D : TRUE COPY OF THE JUDGMENT DATED 10.7.2013 IN CONT. CASE (C)
No.335/2013

ANNEXURE E : TRUE COPY OF THE ORDER DATED 10.10.2013 IN APPEAL No.586/2013

ANNEXURE F : TRUE COPY OF THE ORDER No.B1-419/2014 WITH TRANSLATION

ANNEXURE G : TRUE COPY OF THE COMMUNICATION DATED 22.4.2014 WITH
TRANSLATION

ANNEXURE H : TRUE COPY OF THE ORDER DATED 24.7.2014 IN APPEAL No.599/2014

RESPONDENT'S EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

sol.

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

Contempt Case. No. 587 of 2015

Dated this the 21st day of October, 2015

JUDGMENT

Shaffique, J

Petitioner has approached this court complaining of willful contempt for non compliance of the judgment dated 14.6.2012 in Writ Appeal No.1045 of 2012. The petitioner submits that despite the direction issued, the respondent, who is the Secretary of the Panchayat has not taken any action in the matter.

2. The direction issued by this court reads as under :

“If there is any pollution, that Panchayat can consider the same and if the 4th respondent does not comply with the directions of the Pollution Control Board the Panchayat can always recall licence. We feel the appellant can be permitted to raise his objection before the Panchayat. If licence is already issued it is for them to issue notice to the 4th respondent bringing the appellant's objection to the notice and if no correction is made to take appropriate action for closure of the business. The writ appeal is disposed of directing the Panchayat to consider the objection raised by the appellant and to take appropriate action.”

3. Even according to the petitioner, his objection was considered by the Panchayat and necessary stop memo has been issued. The complaint of the petitioner is that despite the issuance of stop memo the unit had not stopped functioning.

These are all subsequent events after compliance of the direction of this Court. Hence we do not think that the subject matter projected by the petitioner amounts to willful contempt as far as direction issued by this court is concerned. Hence the contempt case is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE

sou.

// True copy //