

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

Con.Case(C).No. 626 of 2015 (S) IN WP(C).2961/2015

AGAINST THE JUDGMENT IN WP(C) 2961/2015 of HIGH COURT OF KERALA
DATED 02-03-2015

PETITIONER/PETITIONER: -

USHA JACOB, AGED 52 YEARS,
D/O.V.G.LEELAMMA,
HOUSE NO.79/KP XVIII/1160,
MAMATHA NAGAR, MARKET ROAD,
KAZHAKOOTTAM P.O., THIRUVANANTHAPURAM.

BY ADVS.SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SMT.R.BINDU
SRI.GENS GEORGE ELAVINAMANNIL

RESPONDENT/RESPONDENT NO.1: -

G.PADMAKUMAR,
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER,
SECRETARY IN CHARGE,
CORPORATION OF THIRUVANANTHAPURAM,
MUSEUM JUNCTION, THIRUVANANTHAPURAM - 695034.

ADDL. R2 IMPEADED

ADDL.R2. R. PRATHAPAN NAIR,

THE DEPUTY SUPERINTENDENT OF POLICE,
ATTINGAL, THIRUVANANTHAPURAM - 695 101.

(ADDL.R2 IS IMPEADED AS PER ORDER DATED 8.7.15 IN IA. No.231/2015
IN COC No. 626/2015)

R1 BY ADV.SRI.N.NANDAKUMARA MENON (SR.)
R1 BY ADV.SRI.P.K.MANOJKUMAR, SC, TVPM CORPORATION
R2 BY GOVERNMENT PLEADER SRI. K.C. VINCENT

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 31-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE A1 : CERTIFIED COPY OF THE JUDGMENT DATED 02.03.2015 IN
W.P. (C) No. 2961/2015.

RESPONDENTS' ANNEXURE : NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

Contempt Case (c) No. 626 of 2015

Dated this the 31st day of July, 2015

JUDGMENT

The learned counsel for the respondent Municipality has submitted that on 29.07.2015 with the help of the police the encroachers were evicted. The learned counsel for the petitioner, on his part, has confirmed it. He has, however, further submitted that in view of forceful eviction, those illegal squatters have been issuing threats to the petitioner. According to him, though the petitioner has earlier submitted a complaint to the police seeking protection, they have not acted on it.

2. The learned counsel has also submitted that concerning the threat the petitioner is said to have been facing in the hands of those forcefully evicted persons, already a direction is given by this Court in W.P. (C) No.11587/2015 to the police to give the petitioner the necessary protection. The learned counsel, at any rate,

insists that the present contempt proceedings shall be kept pending, so that the police authorities may act expeditiously on his complaint regarding protection to be provided to him.

3. I am afraid, a contempt is not a device to force an authority to do something which is beyond the judicial directive regarding which contempt proceedings have been initiated. The learned counsel for the petitioner has expressly submitted that the petitioner has already filed another writ petition and obtained necessary directions. If at all he has a grievance that the respondents therein, namely the police, are not obeying the judicial directive, it is open for the petitioner to take such remedial steps as are available under law.

In so far as the present contempt case is concerned, I am satisfied that the respondent authorities have complied with the judicial directive in Annexure A1. Hence, I do not see anything further surviving in the present contempt case, Accordingly, the Contempt Case is closed.

DAMA SESHADRI NAIDU
JUDGE

DMR/-