

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Con.Case(C).No. 1035 of 2015 (S)

(AGAINST THE JUDGMENT IN WP(C).NO. 19523/2015 DATED 03-07-2015)

PETITIONER(S):

- 1. ANOOP, S/O APPU,AGED 29 YEARS,
RESIDING AT HOUSE NO. 6/237, VADENETH HOUSE,
KAKKAD, THIRUVANIYOOR , ERNAKULAM-682 305**
- 2. SURESH .M.S.,S/O SHIVAN,AGED 44 YEARS,
EDATHATTU HOUSE, MAMALA, ERNAKULAM.**
- 3. CHANDRAN,S/O KUMARAN,AGED 65 YEARS,
RESIDING AT 2/20, MURINJAZHEEKKAKADAVIL,
ELANKUNNAPUZHA, NARAKKAL,
PUTHUVAYPPU VILLAGE, NORTH PARAVOOR-682 510**

**BY ADVS.SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN
SRI.P.MOHAMMED ANZARI**

RESPONDENT :

**VIJAYASANKAR,
(FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONERS,
HENCE NOT SHOWN), SUB INSPECTO OF POLICE,
KADAVANTHARA POLICE STATION,
ERNAKULAM-682 030**

BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

COC.NO.1035/2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEX A COPY OF THE JUDGMENT IN WP(C).NO.19523 OF 2015 DATED 3/7/2015.

**ANNEX B COPY OF THE ORDER DATED 14/7/2015 OF THE DISTRICT
COLLECTOR, ERNAKULAM.**

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

Contempt of Court Case (Civil) No. 1035 of 2015 (S)

Dated this the 21st day of July, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the vehicles seized were not released, despite Annexure A judgment and Annexure B order of the District Collector.

2. True, this Court had directed the release of the vehicles and the District Collector had issued an order as per Annexure B. The vehicle seized by the Village Officer was released pursuant to Annexure A judgment and Annexure B order. However, the vehicle seized by the respondent was not released. The petitioner is before this Court alleging contempt.

3. The learned Government Pleader, on instructions, submits that the vehicles were seized on 19.6.2015 and the same were produced before the Judicial First Class Magistrate Court, wherein a crime was registered on 20.06.2015 itself, long prior to Annexure A judgment .

4. Definitely, the respondent was no more be in control of the vehicles, since then would be under the custody of the Magistrate's Court. In such circumstance, the petitioner would have liberty to move the Magistrate's Court, for obtaining custody.

The Contempt of Court Case would stand closed reserving that liberty, making it clear that it is the absolute discretion of the Magistrate insofar as the release of the vehicles are concerned.

Sd/-
K.VINOD CHANDRAN,
JUDGE