

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Con.Case(C).No. 1180 of 2015 (S) IN WP(C).30791/2014

AGAINST THE JUDGMENT IN WP(C) 30791/2014 of HIGH COURT OF KERALA
DATED 20-03-2015

PETITIONER/PETITIONER IN THE WPC:

C.M.MATHEW, AGED 52 YEARS,
S/O.MATHAI, CHOORACKAL, KOZHUVANAL,
CONVENER, KOZHUVANAL, DRINKING WATER SUPPLY SCHEME)
DWSS, REG.NO.265/2007, KOZHUVANAL P.O, PALA,
KOTTAYAM DISTRICT.

BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMAR
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G
SRI.DIPU JAMES

RESPONDENTS:

V.R.RAJAN, AGED ABOUT 50 YEARS,
(FATHER'S NAME NOT KNOWN TO THE PETITIONER),
SECRETARY, KOTTAYAM DISTRICT, PANCHAYATH
DISTRICT PANCHAYAT OFFICE, KOTTAYAM 686 002.

R1 BY ADV. SRI.JOBI JOSE KONDODY, SC, KOTTAYAM
DISTRICT PANCHAYAT

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 12-11-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE A1 : TRUE COPY OF JUDGMENT DATED 06.02.2015 IN W.P.(C) NO. 30791 OF 2014.
- ANNEXURE A2 : CERTIFIED COPY OF JUDGMENT DATED 20.03.2015 IN W.P.(C) NO. 30791 OF 2014 (AFTER REVIEW)
- ANNEXURE A3 : TRUE COPY OF RECEIPT DATED 16.06.2015 ALONG WITH TRANSLATION.

RESPONDENTS' ANNEXURES:

- ANNEXURER1(a) : TRUE COPY OF THE MAHAZAR PREPARED ON THE JOINT SITE INSPECTION CONDUCTED ON 13.05.2015.
- ANNEXURE R1(b) : TRUE COPY OF THE DECISION TAKEN BY THE GENERAL COMMITTEE OF THE KOTTAYAM DISTRICT PANCHAYAT VIDE DECISION NO.5.
- ANNEXURE R1(c) : TRUE COPY OF THE COMMUNICATION VIDE NO.C14459/14 DATED 27.06.2015 ISSUED BY THE RESPONDENT TO THE PETITIONER.

//TRUE COPY//

P.A. TO JUDGE.

DAMA SESHADRI NAIDU, J.

Cont. Case (C) No. 1180 of 2015

in

W.P. (C) No. 30791 of 2014

Dated this the 12th day of November, 2015.

JUDGMENT

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent, apart from perusing the record.

2. Complaining that the respondent, the Secretary of the Kottayam District Panchayath, has not complied with Annexure A1 judgment, the petitioner has filed this Contempt Case. In response thereto, the respondent filed a counter affidavit contesting the petitioner's claim. In fact, he has produced the necessary material to show that Annexure A1 judgment has been complied with and the necessary orders have been passed.

3. At this juncture, the learned counsel for the petitioner has strenuously contended that Annexure R1(b), said to be the order passed in compliance with Annexure A1 judgment, was antedated and that the records, especially the despatch register, be summoned to ascertain the truth of the matter.

4. Indeed, this Court did summon the despatch register and find, prima facie, to be in order, save a minor correction in the entry following the entry in question.

5. Be that as it may, this Court cannot hazard any guess concerning the correctness of the entry in the despatch register. It, as has been observed, seems to be in order.

6. In the facts and circumstances, given the limited scope of the contempt jurisdiction, this Court closes the Contempt Case holding that Annexure A1 judgment has been complied with.

As a matter of abundant caution, it is further made clear that the petitioner is at liberty to challenge Ext.R1(b), if he is advised, and in such an event, it is open for him to take all the legally permissible pleas.

sd/- DAMA SESHADRI NAIDU, JUDGE.

