

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

Con.Case(C).No. 1375 of 2015 (S) IN WP(C).22261/2015

**AGAINST THE JUDGMENT IN WP(C) 22261/2015 of HIGH COURT OF KERALA DATED
13-08-2015**

PETITIONER(S):

**ROHINI FACILITY MANAGEMENT SERVICE
REVENUE TOWER, B18, NEAR BOAT JETTY
ERNAKULAM KOCHI 682 011
REPRESENTED BY ITS PROPRIETOR A.D.GIREESH
S/O.DHARMAN A.R., ALLAPARAMBIL HOUSE, CHERAI PO
PIN 683 514.**

**BY ADVS.SRI.M.P.RAMNATH
SRI.P.RAJESH (KOTTAKKAL)
SEI.M.VARGHESE VARGHESE
SMT.UMA R.KAMATH
SMT.S.SANDHYA
SRI.BEPIN PAUL
SRI.SHALU VARGHESE**

RESPONDENT(S):

- 1. SUHAS
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER
SECRETARY
DISTRICT TOURISM PROMOTION COUNCIL (DTPC)ERNAKULAM
ESTABLISHED BY THE DEPARTMENT OF TOURISM
GOVERNMENT OF KERLA, OPPOSITE RAJENDRA MAIDAN
PARK AVENUE, ERNAKULAM, KOCHI 682 011**
- 2. K.J.TOMY,
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER
ASSISTANT DEVELOPMENT COMMISSIONER
CHILDREN'S COUNCIL FOR CHILD WELFARE
ERNAKULAM CHILDREN'S PARK, PARK AVENUE, ERNAKULAM
KOCHI, KOCHI - 682 011
AND ALSO HAVING AT ERNAKULAM CIVIL STATION
KAKKANAD PIN 682 030**

CONTD .. 2 ..

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3. SHAJI

**FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER
THE SUPERINTENDENT, CHILDREN'S PARK ERNAKULAM
UNDER THE CHILDREN COUNCIL FOR CHILD WELFARE ERNAKULAM
CHILDREN'S PARK AVENUE, ERNAKULAM KOCHI 682 011.**

4. M.G.RAJAMANICKAM

**FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER
DISTRICT COLLECTOR, ERNAKULAM, CIVIL STATION
KAKKANAD, KOCHI, PIN 682030**

R3 BY ADV. SRI.S.CHANDRASENAN

R4 BY ADV. GOVERNMENT PLEADER SMT. A. LOWSY

R BY SRI.V.B.HARI NARAYANAN

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

APPENDIX

PETITIONERS EXHIBITS:

ANNEXURE A1	TRUE SEALED COPY OF THE INTERIM ORDER DTD. 13.8.15 OF THIS HON'BLE COURT IN W.P.(C) NO. 22261/15
ANNEXURE A2	TRUE PHOTO COPY OF THE LETTER DTD. 5.9.15 SENT BY THE PETITIONER TO THE 1ST RESPONDENT.
ANNEXURE A3	TRUE PHOTO COPY OF THE ACKNOWLEDGEMENT DULY SIGNED BY THE 1ST RESPONDENT IN PROOF OF SERVICE OF ANNEXURE A2.
ANNEXURE A4	COPY OF THE LEETTER DTD. 5.9.15 SENT BY THE PETITIONER TO THE 2ND RESPONDENT.
ANNEXURE A5	COPY OF THE ACKNOWLEDGEMENT DULY SIGNED BY THE 2ND RESPONDENT IN PROOF OF SERVICE OF ANNEXURE A4.
ANNEXURE A6	COPY OF THE LETTR DTD. 5.9.15 SENT BY THE PETITIONER TO THE 3RD RESPONDENT.
ANNEXURE A7	COPY OF THE ACKNOWLEDGEMENT DULY SIGNED BY THE 3RD RESPONDENT IN PROO OF OF SERVICE OF ANNEXURE A6.
ANNEXURE A8	COPY OF THE LETTER DTD. 5.9.15 SENT BY THE PETITIONER TO THE 4TH RESPONDENT.
ANNEXURE A9	COPY OF THE ACKNOWLEDGMENT DULY SIGNED BY THE 4TH RESPONDENT IN PROOF OF SERVICE OF ANNEXURE A8.
ANNEXURE A10	PHOTOGRAPHS SHOWING THE SUBMERGED BOAT AND DAMAGED TICKET COUNTER.

RESPONDENTS EXHIBITS:

ANNEXURE R3(A)	COPY OF THE LETTER DTD. 19.8.15
ANNEXURE R3(A1)	TRUE TRANSLATION LETTER DTD. 19.8.15
ANNEXURE R3(B)	COPY OF THE LETTER DTD. 16.9.15
ANNEXURE R3(B1)	TRUE TRANSLATION LETTER DTD. 16.9.15.
ANNEXURE R4(A)	COPY OF THE LETTER DTD. 29.9.15
ANNEXURE R4(B)	COPY OF THE LETTER NO. CP/17/2015 DTD. 16.9.15

// TRUE COPY //

P.A TO JUDGE

SB

K. VINOD CHANDRAN, J.

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Contempt of Court Case No.1375 of 2015 - S

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Dated this the 11th day of November, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the interim order passed by this Court has not been complied with. The interim order is a direction to the respondents 1 to 4 therein, not to obstruct the petitioner and his men and agents, in any manner in duly conducting the recreation pond activities and boating facilities therein.

2. The issue relates to such facilities in the Children's Park, which is under the District Council for Child Welfare, Ernakulam, whose employee is the 3rd respondent in the writ petition and the 3rd respondent in the contempt case. The 3rd respondent comes on record and contends that none have turned up till the date to conduct the facilities as per the interim order and he has not been issued with notice in the writ petition

itself. The 3rd respondent is an employee of the District Council for Child Welfare, for whom the learned Government Pleader cannot appear.

3. The facts in brief are that the District Council for Child Welfare had decided to entrust the boating facilities to the District Tourism Promotion Council (D.T.P.C). The District Child Welfare Council and the D.T.P.C are headed by the District Collector, Ernakulam. The D.T.P.C had entered into a contract with the petitioner herein for carrying on the boating facilities, on obstruction of which, the writ petition was filed. There was also a direction issued in the writ petition as indicated above. As of now, the 3rd respondent is on record with the contention that none have approached with the interim order or seeking resumption of facilities.

4. It is also submitted that the petitioner is not complying with the instructions issued by the D.T.P.C and it was hence that he was obstructed initially. The petitioner has filed a

reply affidavit, in which Annexure A.11 has been produced, which indicates that as on 08.07.2015, the petitioner had requested the Secretary, D.T.P.C to issue identity cards to his employees. The learned Counsel for the D.T.P.C produces a letter dated 09.07.2015, which is issued to the Secretary, District Council for Child Welfare, identifying the persons, who are the employees of the petitioner herein. However, the specific contention of the 3rd respondent, Superintendent of the Children's Park is that none have approached him with the interim order for resumption facilities.

In such circumstance, the contempt of court case would stand closed, however, leaving open all contentions to be urged in the writ petition.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/11/11/2015

// true copy //

P.A to Judge.