

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Con.Case(C).No. 1421 of 2015 (S)

AGAINST THE JUDGMENT IN LA.App. 256/2006 DATED 10-09-2013

PETITIONER/ADDL. 9TH RESPONDENT :

**M.SEETHA DEVI, AGED 63 YEARS,
W/O. CHERUNNIYOOR P. SASIDHARAN NAIR
T.C. 25/3123, COURT VIEW NAGAR
VANCHIYOOR, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.PIRAPPANCODE V.S.SUDHIR
SRI.JELSON J.EDAMPADAM**

RESPONDENT/APPELLANT :

**BABU K.,
FATHER'S NAME & AGE NOT KNOWN TO THE PETITIONER
THE ADDITIONAL SECRETARY IN CHARGE OF THE SECRETARY
KERALA STATE HOUSING BOARD
S.S. KOVIL ROAD, SANTHI NAGAR
THIRUVANANTHAPURAM – 695 014.**

BY ADV. SRI.GEORGE BOBAN, SC

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

Con.Case(C).No. 1421 of 2015 (S)

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE I : CERTIFIED COPY OF THE JUDGMENT DATED 10.9.2013 IN LAA
NO. 256/2006 OF THIS HON'BLE COURT.**

**ANNEXURE II COPY OF THE NOTICE DATED 5.8.2015 ISSUED BY THE
COUNSEL FOR THE PETITIONER TO THE RESPONDENT.**

**ANNEXURE III COPY OF THE ORDER DATED 19.5.2015 IN COMPLAINT
NO. 1019/2014 FO THE UPA LOK AYUKTA.**

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

Cont.Case (Civil) No.1421 of 2015

Dated this the 28th day of September 2015

J U D G M E N T

Shaffique, J

This contempt case is filed against the non-compliance of the directions issued by this Court in L.A.A.No.256/2006 and connected cases. The direction issued by this Court in paragraph 2 of the judgment which reads as under:

“The counsel for the Housing Board submits that, the Housing Board has already deposited the amounts awarded in the impugned judgment before the Sub Court, Thiruvananthapuram, in L.A.R.No.145/1986. Out of the same, the Sub Court shall disburse the amount agreed to between the parties namely, ₹.30,00,000/- to the claimants. The balance shall be refunded to the Kerala State Housing Board and the Housing Board shall give necessary adjustment in the land value to the allottees corresponding to the reduction in the compensation so paid to the claimants. Accordingly, these appeals and writ petitions are disposed of as settled on the above terms.”

2. It is evident from the aforesaid observation of this Court that the Housing Board has already deposited certain amounts awarded before the Sub Court, Thiruvananthapuram in L.A.R.No.145/86. This Court had only directed the Sub Court to disburse the amount agreed to between the parties i.e. ₹.30,00,000/- to the claimants. The balance was directed to be refunded. Kerala State Housing Board shall give necessary adjustment in the land value to the allottees corresponding to the deduction in the compensation so paid to the claimants.

3. On a perusal of the aforesaid direction and on a perusal of the averments made in the contempt case, we do not think that the respondent has committed any wilful contempt. Petitioner, who is entitled to get certain amounts, has to approach the Sub Court for the same and it is for the Sub Court to pass appropriate directions. As far as adjustment is concerned, remedy is to approach the Housing Board after the Housing Board receives the amount from the Sub Court.

4. Having regard to the aforesaid state of facts, we do not think that the remedy of the petitioner is to file any contempt case whereas to approach the Execution court if he has not

received the amount specified by the learned Single Judge. As far as adjustment mentioned in the order is concerned, the petitioner will have to approach the Housing Board. We do not think that a case of wilful contempt is made out and accordingly the same is dropped.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr/29/09/2015

