

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

Con.Case(C).No. 1519 of 2015 (S)

JUDGMENT DATED 12-05-2015 IN WA 933/2015
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PETITIONER(S)/APPELLANT:

**KURIACHAN M.M., AGED 42 YEARS,
S/O.MATHEW, MADATHUMPADY HOUSE, NORTH FORT GATE,
TRIPUNITHURA - 682 301, ERNAKULAM DISTRICT.**

BY ADV. SMT.V.J.RUBY

RESPONDENT(S)/RESPONDENT:

**THE DISTRICT COLLECTOR, ERNAKULAM,
A.G. RAJAMANIKYAM,
FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER,
CIVIL STATION, KAKKANAD, ERNAKULAM - 682 030.**

BY SENIOR GOVERNMENT PLEADER SRI.P.IDAVIS

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 04-11-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

msv/

Con.Case(C).No. 1519 of 2015 (S)

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1: CERTIFIED COPY OF THE JUDGMENT IN WA.933/2015 DTD.12.5.2015.

**ANNEXURE A2: TRUE COPY OF REPORT FROM ADDL. TAHSILDAR, KANAYANNUR
TALUK DTD.6.7.2015 ALONG WITH ENGLISH TRANSLATION.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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Cont.Case (C) No. 1519 of 2015

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Dated this, the 4th day of November, 2015

J U D G M E N T

Shaffique, J.

This contempt case has been filed alleging non compliance of the directions issued by this Court as per judgment dated 12/5/2015. As per the judgment, the Division Bench disposed of the writ appeal modifying the judgment of the learned Single Judge and directed the 2nd respondent, District Collector to complete adjudication under Section 20 of the Act on an early basis after issuing notice and after affording opportunity to the petitioner as well as to the registered owner of the vehicle. According to the petitioner, despite the said directions, no order had been passed.

2. During the pendency of the writ petition, it is brought to the notice of this Court by the learned Government Pleader that an order has been passed on 16/10/2015. Since there was no explanation forthcoming for the delay caused in passing the

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order, respondent was asked to file an affidavit. An affidavit is filed on 21/10/2015 *inter alia* explaining the reason for the delay. In paragraphs 3, 4 and 5 of the affidavit, the District Collector had clearly indicated the reasons for the delay.

3. We take on record the affidavit of the District Collector and we are satisfied that there is no wilful contempt on account of the delay caused in passing the order as directed by the Division Bench.

Accordingly, we close this contempt case reserving right of the petitioner to challenge the order, if the petitioner is aggrieved by the same.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp
4/11/2015

//True Copy//

PS to Judge