

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

Con.Case(C).No. 1664 of 2015 (S)

(AGAINST THE ORDER IN WP(C).NO. 19611/2015 DATED 17-09-2015)

PETITIONER(S)/PETITIONERS :

1. SHANAVAS, AGED 31 YEARS, S/O.BHASHEER,
43/51A, SHANAVAS MANSIL, AYYAPPAN KAVU,
KOCHI-682 018.
2. K.M.SHEERIJAN, AGED 56 YEARS, W/O. BHASHEER,
43/51A, SHANAVAS MANSIL, AYYAPPAN KAVU,
KOCHI-682 018
3. BHASHEER, AGED 60 YEARS, S/O. MUHAMMED YUSEF,
43/51A, SHANAVAS MANSIL, AYYAPPAN KAVU, KOCHI-682 018

BY ADV. SRI.T.R.S.KUMAR

RESPONDENT(S)/RESPONDENTS 3 & 4 :

1. SRI. RAJAMANIKYAM,
DISTRICT COLLECTOR, ERNAKULAM,
COLLECTORATE, KAKKANAD.
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER).
2. SRI.SABU, THE SPECIAL TAHSILDAR(L.A.),
METRO NO.1, KAKKANAD.
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)

BY GOVERNMENT PLEADER SMT. LILLY.K.T.

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 06-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

COC.NO.1664/2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEX A1	COPY OF THE NOTICE DATED 24/07/2015
ANNEX A2	COPY OF THE INTERIM ORDER IN WP(C).NO.19611 OF 2011 DATED 17/09/2015
ANNEX A3	COPY OF THE 48 HOUR NOTICE DATED 18/09/2015
ANNEX A4	COPY OF THE COMPLAINT DATED 28/09/2015
ANNEX A5	PHOTOGRAPHS OF THE PROPERTY TAKEN BY FORCE
ANNEX A6	COPY OF THE JUDGMENT IN WRIT APPEAL NO.2219/2015 DATED 09/10/2015.

RESPONDENT'S ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

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Cont.Case (C).No.1664 of 2015

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Dated this the 6th day of November, 2015

J U D G M E N T

In the Contempt of Court Case, the petitioner alleges that the interim order passed by this Court on 17.09.2015 has been breached by the respondents who dispossessed the petitioner, allegedly without notice and allegedly without paying the petitioner 80% of the compensation amount that was fixed by the District Level Purchase Committee. The interim order of this Court which is produced as Annexure-A2 was passed in a writ petition where the petitioner had urged that the respondents were forcing him to accept a compensation which was lower than the compensation that he would get in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the 2013 Act'). Taking note of the said submission, it was made clear in the interim order that the handing over of possession of the property, by the petitioner, during the pendency of the writ petition, and receipt by the petitioner of 80% of the compensation amount as fixed by the District Level Purchase Committee, would be without prejudice to the contention of petitioner in the writ petition with regard to enhanced compensation as per the provisions of the 2013 Act. Under the said circumstances, and taking note of the purport of

the interim order, I am of the view that, the averments in the contempt of court case do not establish that there is any violation of the interim order passed by this Court, by the respondents. The contempt of court case is therefore dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE