

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Con.Case(C).No. 1145 of 2013 (S) IN WP(C).33500/2009

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AGAINST THE JUDGMENT IN WP(C) 33500/2009 of HIGH COURT OF KERALA DATED
09-12-2009**

PETITIONER(S)/PETITIONER:

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K.A.THANKACHAN, AGED 50 YEARS,
S/O MATHAI, KOCHUPURACKAL HOUSE, THOMATTUCHAL VILLAGE,
SULTHAN BATHERY TALUK, WAYANAD DISTRICT.**

**BY ADVS.SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI**

RESPONDENT(S)/RESPONDENT:

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SRI.K.G.RAJU, IAS
S/O GOPINATHAN, DISTRICT COLLECTOR,
WAYANAD DISTRICT, KALPETTA-673 121.**

R BY SRI.ABHIJETT LESLI, GOVERNMENT PLEADER

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DG

APENDIX

PETITIONER'S EXHIBITS:

- ANNEXURE A:** COPY OF THE REQUEST DATED 20.12.2004 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.
- ANNEXURE B:** COPY OF THE JUDGMENT DATED 6.9.2005 IN WPC NO.26350/2005 OF THIS HON'BLE COURT.
- ANNEXURE C:** COPY OF THE ORDER NO.B1.32619/04 DATED 27.1.2006 OF THE RESPONDENT.
- ANNEXURE D:** COPY OF THE JUDGMENT DATED 31.1.2007 IN WPC NO.8883/2006 OF THIS HON'BLE COURT.
- ANNEXURE E:** COPY OF THE ORDER NO.B1-11931/09 DATED 25.6.2009 OF THE RESPONDENT.
- ANNEXURE F:** COPY OF THE JUDGMENT DATED 9.12.2009 IN WPC.NO.33500/2009 OF THIS HON'BLE COURT.
- ANNEXURE G:** COPY OF THE LEGAL NOTICE DATED 19.7.2012 ISSUED TO THE RESPONDENT.
- ANNEXURE H:** COPY OF THE NOTICE NO.L2-33651/09 DATED 8.8.2012 ISSUED BY THE DISTRICT COLLECTOR.
- ANNEXURE I:** COPY OF THE REPLY DATED 18.8.2012 SUBMITTED BY THE PETITIONER.
- ANNEXURE J:** COPY OF THE NOTICE NO.B1.32619/04 DATED 23.01.2006 ISSUED BY DISTRICT COLLECTOR TO PETITIONER.
- ANNEXURE K:** COPY OF THE NOTICE NO.B1.11931/07 DATED 14.10.2008 ISSUED BY DISTRICT COLLECTOR TO PETITIONER.

RESPONDENT'S EXHIBITS - NIL

THOTTATHIL B.RADHAKRISHNAN,J.

Cont. Case (C) No.1145 of 2013

Dated this the 20th day of August, 2015

J U D G M E N T

1. Heard the learned counsel for the petitioner and the learned Government Pleader in the light of the materials on record.
2. The judgment on the basis of which the complaint as to contempt of court is attempted to be made out is only one which took care of a situation where the improvements allegedly made by the writ petitioner in a piece of land may not go unnoticed, for the purpose of determining compensation. That was so ordered having regard to the contents of the judgment which was Exhibit P7 in the writ petition. The Government officials, in their wisdom, have now thought it necessary that the 1992 assignment of land in favour of the petitioner should be revoked. Notice has been issued calling upon the petitioner to show cause against that proposal. He has to answer it. That cannot be scuttled by invoking the

contempt of court jurisdiction, that too, on the basis of the judgment which was rendered in W.P.(C) No.33500/2009. This contempt of court case, therefore, fails and it is dismissed without prejudice to any right of the petitioner to seek redressal under the competent jurisdiction against what is produced as Annexure H.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

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