

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

Con.Case(C) .No. 69 of 2011 (S)

AGAINST THE ORDER/JUDGMENT IN WP(C) 160/2009 of HIGH COURT OF KERALA
DATED 29-01-2009

PETITIONER(S) /PETITIONER:

K.A.SIYAD
S/O.K.P.ABDUL LATHEEF, PEARL HOUSE, VAZHICHERRY
ALAPPUZHA, (PROPRIETOR, A.S.TRADERS
WARD NO.10 OF, PUNNAPRA SOUTH PANCHAYATH
NEAR FISH LANDING CENTRE, ALAPPUZHA).

BY ADV. SRI.C.A.CHACKO

RESPONDENT(S)/RESPONDENTS 1 & 2:

1. A.AKBAR
KNOWN TO THE PETITIONER), SUPERINTENDENT OF POLICE
ALAPPUZHA-688 001.

2. MR.M.K.RAJESH, (AGE AND FATHER'S NAME
NOT KNOWN TO THE PETITIONER) S.I.OF POLICE
PUNNAPRA POLICE STATION, ALAPPUZHA-688 001.

R1 & 2 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY
HEARD ON 03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

Cont.Case (C).No. 69 of 2011

Dated this the 3rd July, 2015

JUDGMENT

Ashok Bushan, CJ.

This Contempt Case has been filed alleging disobedience of the judgment dated 29.1.2009 passed in W.P(C).No.160 of 2009 by which a Division Bench of this Court directed the Police to maintain law and order. The petitioner's case was that the petitioner had filed the Writ Petition seeking Police protection for conducting his small scale industrial unit by name 'A.S.Traders (Chitin Unit)' near Fish Landing Centre, Punnapra. In the contempt application notice was issued and counter affidavit has been filed, to which reply has also been filed.

2. In the counter affidavit filed by the State it has been stated that the Police has taken appropriate steps including the Deputy Superintendent of Police talked to

the persons. The details of the steps taken by the Police in pursuance of the direction given by the Division Bench have been narrated in the counter affidavit. An additional affidavit has also been filed by the State, where it has been stated that the Government by order No.GO(Rt) No.1108/2011/Ind dated 7.9.2011 accorded special sanction to the General Manager, District Industries Centre, Alappuzha to resume a part of unassigned 41 cents of land in Sy.No.409 of Aroor Village, Cherthala Taluk, part of Industrial Development Area, Aroor, plot No.30 allotted to M/s.Infra Sales and to allot upto 30 cents of land from the above land to petitioner's unit for shifting the chitin factory as a special case in public interest. It is stated that against the said allotment, W.P(C).No.25703 of 2011 was filed, where this Court stayed the allotment in favour of the applicant.

3. From the facts stated in the counter affidavit and the additional affidavit, we are of the view that appropriate action was taken by the authorities and

ultimately on account of the law and order problem, fresh allotment was made in favour of the applicant. Since the said allotment is under challenge in W.P(C).No.25703 of 2011 and another Writ Petition, W.P(C).No.26193 of 2011, both the above Writ Petitions are to be heard by the learned Single Judge.

4. In view of the facts brought on record in this Contempt Case, we are of the view that as on date there is no ground to proceed with the contempt proceedings. We, thus, are of the view that this Contempt Case be closed with liberty to the applicant to make appropriate application, after final disposal of the aforesaid two Writ Petitions, if any cause of action so arises.

With the above observation the Contempt Application is closed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs