

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

Con.Case(C).No. 1311 of 2014 (S) IN WP(C).21538/2014

AGAINST THE JUDGMENT IN WP(C) 21538/2014 DATED 22-08-2014

PETITIONER(S)/PETITIONER IN W.P.(C):

NIZAR A. AGED 42 YEARS
S/O.ABDUL MAJEED, IRFAN MANZIL, PERUNKULAM
ATTINGAL, THIRUVANANTHAPURAM.

BY ADV. SRI.D.AJITHKUMAR

RESPONDENT(S)/RESPONDENTS 1 & 3 IN W.P.(C):

1. S.KUMARI
CHAIRPERSON
(AGE AND FATHER'S NAME NOT KNOWN TO PETITIONER)
MUNICIPAL COUNCIL, REPRESENTED BY ITS CHAIRPERSON
ATTINGAL MUNICIPALITY, MUNICIPAL OFFICE, ATTINGAL
THIRUVANANTHAPURAM-695101.

2. MUHAMMED SHAFI
(AGE AND FATHER'S NAME NOT KNOWN TO PETITIONER)
SECRETARY, ATTINGAL MUNICIPALITY, MUNICIPAL OFFICE
ATTINGAL, THIRUVANANTHAPURAM-695101.

BY SRI.AYYAPPAN SANKAR, STANDING COUNSEL

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.O.(C).1311/2014

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A1: CERTIFIED COPY OF THE JUDGMENT DATED 22.8.2014 IN W.P.(C).
21538/2014 PASSED BY THE LEARNED SINGLE JUDGE OF THIS
HONOURABLE COURT.

ANNEXURE A2: TRUE COPY OF THE NOTICE DATED 26.8.2014 ISSUED BY THE
2ND RESPONDENT.

ANNEXURE A3: TRUE COPY OF THE APPLICATION DATED 26.8.2014 SUBMITTED
BY THE PETITIONER.

ANNEXURE A4: TRUE COPY OF THE NOTICE DATED 29.8.2014 ISSUED BY THE 1ST
RESPONDENT.

ANNEXURE A5: TRUE COPY OF THE AUCTION NOTICE DATED 19.8.2014 ISSUED
BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY//

P.A.TO JUDGE

C.T. RAVIKUMAR, J.

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C.O.(C) No.1311 OF 2014

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Dated this the 9th day of November, 2015

JUDGMENT

It is alleging wilful disobedience with the directions of this Court in judgment dated 22.8.2014 in W.P.(C)No.21538 of 2014 that this contempt case has been filed. As per the said judgment, the first respondent therein was directed to dispose of Ext.P7 appeal preferred by the petitioner in accordance with law, without insisting payment of the amount covered by Ext.P9 referred as such in the writ petition. A perusal of the documents annexed along with this contempt case, precisely Annexure-A4, would reveal that pursuant to the directions in the aforesaid judgment, Ext.P7 appeal was disposed of. When that fact is discernible from Annexure-A4 it cannot be said that the respondents have committed wilful disobedience with the directions in judgment dated 22.8.2014. But at the same time, it is evident from the submissions made on behalf of the petitioner that the petitioner is

having grievance with respect to the manner in which Ext.P7 appeal was disposed of. I am of the view that such aspects could not be looked into in this proceedings and certainly, it will be open to the petitioner to challenge the order passed on Ext.P7, in appropriate proceedings. In such circumstances, recording the fact that Ext.P7 appeal has been disposed of in tune with the directions in judgment dated 22.8.2014, this contempt case is closed without prejudice to the right of the petitioner to raise his grievance, if any, relating the order on Ext.P7 appeal, in appropriate proceedings.

Sd/-
C.T. RAVIKUMAR
(JUDGE)

spc/

C.T. RAVIKUMAR, J.

JUDGMENT

September, 2010

