

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

CON.CASE(C).NO. 1409 OF 2014 (S)
IN WP(C).30799/2013

AGAINST THE JUDGMENT IN WP(C) 30799/2013 OF HIGH COURT OF KERALA
DATED 09-01-2014

PETITIONER(S)/PETITIONER:

KUMARI DEVI @ KRISHNAKUMARI, AGED 58 YEARS,
W/O.S.SUDHAKARAN, VATTAVILA VEEDU, (KARTHIKA)
NEDUMPANA VILLAGE, NEDUMPANA P.O., KUNDARA
KOLLAM NOW RESIDING AT SAGALA NIVAS, KOVIL MUKKU
PERUMPUZHA P.O., KUNDARA, KOLLAM.

BY ADVS.SRI.PRATHEESH.P
SMT.S.SEETHA

RESPONDENT(S)/2ND RESPONDENT:

SHRI.PRANAB JYOTHI NATH(IAS)
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)
DISTRICT COLLECTOR, CIVIL STATION, KOLLAM -691013.

BY GOVERNMENT PLEADER ADV. E.M. ABDUL KHADIR

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 30-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

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CON.CASE(C).NO. 1409 OF 2014 (S)
IN WP(C).30799/2013

APPENDIX

PETITIONER(S) ANNEXURES :

ANNEXURE 1 : COPY OF THE JUDGMENT DATED 9.01.2014 IN W.P.(C) NO.30799
OF 2013.

ANNEXURE 2 : COPY OF THE REMINDER DATED 23.07.2014.

RESPONDENT(S) ANNEXURES : NIL

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/ TRUE COPY /

P.A. TO JUDGE

K. SURENDRA MOHAN, J

Contempt Case (C) No.1409 of 2014

Dated this the 30th day of March 2015

J U D G M E N T

This Contempt Case is filed alleging violation of the direction of this Court contained in the judgment dated 9.01.2014 in W.P.(C) No.30799 of 2013. The said Writ Petition was disposed of with the following direction:

“ The Writ Petition is, therefore, disposed of directing the 2nd respondent to enquire into the matter, to ensure that the missing files are traced out and appropriate orders are passed on Exhibit P2. Orders as indicated above shall be issued, as expeditiously as possible and at any rate within a period of three months of the date of production of a copy of this judgment, by the petitioner.”

2. An affidavit has been filed in answer to the allegations contained in the Contempt Case. According to the affidavit filed by the District Collector, Kollam himself, the Writ Petition as well as the above Contempt Case are filed putting forward a claim that is absolutely baseless. The writ petition was disposed of directing the consideration of an application submitted by the petitioner under Sec.28A of the Land Acquisition Act. The

petitioner is not the owner of the land that was acquired. The petitioner also does not have any rights over the property. Exts.P1 to P3 documents produced in the Writ Petition, according to the respondent, are the documents that were submitted by the original land owner. The petitioner is not a person who is possessed of the property that was the subject matter of L.A.C Nos.159/88 and 160/88. As per the records, an award was passed in favour of one Sri. S.Sudhakaran, son of Sukumaran, Vattavila Veedu, Muttakavucheri, Nedumpana Village. His wife Kumari Devi had filed an application under Sec.28A of the Land Acquisition Act which was referred to the Civil Court as L.A.R. No.220 of 1989. The said proceedings are pending before the Sub Court, Kollam. The petitioner herein had somehow come into possession of the documents produced by the landowner in the said proceedings. Pursuant to the directions of this court, an enquiry is stated to have been conducted by the District Collector. Annexure-A is the statement of the petitioner herein. She has stated that she does not own or possess any property in Nedumpana village. She has also stated

that she does not know Sri. S. Sudhakaran, who is the husband of Smt. Kumari Devi, the original landowner. According to the statement, Annexure-A, it is her property in Elamballur village that is alleged to have been acquired. She has also stated that she does not have another name, Kumari Devi. Her signature in Annexure-A as well as her application Annexure-2 also appear to be different. According to the learned Government Pleader, the petitioner herein is a person who has been set up by the clerk of the counsel who was appearing for the original landowner in the land acquisition proceedings before the Sub Court, Kollam. The counsel for the petitioner submits that his client does not have any other documents in support of the statements made in the writ petition or the Contempt Case.

Heard. The facts of the case narrated above presents a very disturbing state of affairs. If the petitioner has put forward her claim in the writ petition as well as in the contempt case, without any basis, as alleged, it is absolutely necessary that she is proceeded against appropriately, by initiating prosecution

proceedings against her. The enquiry conducted by the District Collector and her statement, Annexure-A that has been produced in these proceedings show that the matter requires to be taken seriously and enquired into with proper care. It is necessary that the persons who are guilty are proceeded against and punished, so as to prevent such incidents in the future.

In view of the above, this contempt case is disposed of with the following directions:

1. The respondent, District Collector is directed to conduct an enquiry with notice to the petitioner herein as well as the original landowner and any other person who may be found to be involved in the episode, be it the clerk of the lawyer or the lawyer himself. Such enquiry shall be completed, as expeditiously as possible and at any rate within a period of two months of the date of receipt of a copy of this judgment.

2. The respondent shall initiate appropriate prosecution proceedings against

the persons who are found guilty of the act of putting forward the false claim, with an intention to defraud the Government.

Sd/-
**K. SURENDRA MOHAN
JUDGE**

/ True Copy /

P.A. To Judge

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