IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 24TH DAY OF JANUARY 2020 / 4TH MAGHA, 1941

Con.Case(C).No.1737 OF 2019 IN WP(C). 10947/2019

AGAINST THE JUDGMENT DATED 24.05.2019 IN

WP(C)10947/2019 OF HIGH COURT OF KERALA

PETITIONER/PETITIONER:

BAJI SOMARAJAN,S/O.LATE SOMARAJAN,
AGED 58 YEARS,THITTAYIL KIZHAKKATHIL,
IRAVIPURAM P.O.,KOLLAM,NOW RESIDING AT
V.A.GARDEN,IRAVIPURAM P.O.,KOLLAM-691 001.

BY ADVS.
SRI.PRATHEESH.P
SMT.S.REKHA KUMARI

RESPONDENTS/RESPONDENTS 3 AND 4:

1 **AJILAL,(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),THE ASSISTANT EXECUTIVE ENGINEER, KSEB, MAJOR SECTION, PALLIMUKKU, KOLLAM-690 008.**

2 **SUNIL KUMAR,(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER), THE ASSISTANT ENGINEER, KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION,PALLIMUKKU,KOLLAM-690 008.**

SRI.SUDHEER GANESH KUMAR -SC

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 24.01.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This C.O.C. has been filed alleging that the judgment of this Court dated 24.05.2019 has not been complied with. However, Sri. Sudheer Ganesh Kumar, learned Standing Counsel for the Kerala State Electricity Board, submits that his client has already approached this Court by filing WP(C) No. 1908/2020, challenging the order of the District Magistrate, referred to as Ext.P4 in the judgment in this case; and that an interim order has already been obtained by them, staying its operation for a period of four weeks. He says that, since as per the liberty reserved in the judgment in question, their challenge having been already made before this Court against the original order, this C.O.C. is no longer maintainable.

2. I have examined the interim order passed by the learned Judge of this Court in WP(C) No. 1908/2020 and it is indubitable that the order of the

District Magistrate, referred to as Ext.P4 in my judgment, has been now stayed. Therefore, this C.O.C. has now become incapable of further prosecution.

In the said circumstances, I close this C.O.C. for the reasons above; however, leaving liberty to the petitioner to approach this court again, if so required in future, depending upon the fate of WP(C) No.1908/2020.

Sd/-

DEVAN RAMACHANDRAN
JUDGE

ncd

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE 1	**THE CERTIFIED COPY OF THE JUDGMENT IN W.P.(C) NO.10947/2019 DATED 24.05.2019 OF THE HON'BLE HIGH COURT OF KERALA.**
ANNEXURE 2	**THE COPY OF THE COVERING LETTER ALONG WITH POSTAL RECEIPT ISSUED TO THE 1ST RESPONDENT IN W.P.C. WITH COPY TO THE RESPONDENTS.**