IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 16TH DAY OF DECEMBER 2020 / 25TH AGRAHAYANA, 1942

Con.Case(C).No.1876 OF 2020 IN WP(C). 1643/2020

AGAINST THE ORDER/JUDGMENT IN WP(C) 1643/2020(E) OF HIGH COURT OF KERALA

PETITIONER/S:

JOSE JOHN THOTTUNGAL
AGED 68 YEARS
S/O.LONAPPAN, APARTMENT NO.5A, ORCHIDCORT, PANCHAVADI COLONY, AMBALIPADAM, VYTTILA, ERNAKULAM-682 019.

BY ADVS.
SRI.M.PROMODH KUMAR
SMT.MAYA CHANDRAN

RESPONDENT/S:

KRIPA.N.K
THE REVENUE DIVISIONAL OFFICER, CIVIL STATION, TRISSUR-680 003.

OTHER PRESENT:

SRI.SAIGI JACOB PALATTY, SR.GOVT.PLEADER

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 16.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ALEXANDER THOMAS, J.

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Cont. Case (C) No.1876 of 2020
in
W.P.(C.) No.1643 of 2020

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Dated this the 16th day of December, 2020

JUDGMENT

The aforecaptioned Contempt of Court case alleging non compliance of the directions and orders passed by this Court in Annexure-A1 judgment dated 2.3.2020 in W.P.(C.) No.1643/2020 filed by the petitioner herein.

2. Heard Sri.M.Pramodh Kumar, learned counsel for the petitioner in the COC/writ petitioner and Sri.Saigi Jacob Palatty, learned senior Government Pleader appearing for respondent in COC/R2 in the W.P.(C.)

3. When the case has come up for consideration on the previous occasion, this Court has passed an order dated 25.11.2020 in this contempt case, which reads as follows :

> *" Sri.Saigi Jacob Palatty, learned Senior Government Pleader would fairly submit that strict instructions and directions will be given to the respondent RDO to immediately and effectively comply with the directions and orders passed by this Court in Annexure AI judgment dated 02.03.2020 in WP(C) No.1643 of 2020 and seeks two weeks' time to report compliance in that regard.*
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> *2. In view of the abovesaid fair submission made by the learned Senior Government Pleader, this Court is not now admitting the Contempt Case and issuing statutory summons/notice to the respondent officer. Very many cases of civil in nature has come to the notice of this Court, whereby the competent Revenue officials like District Collectors, RDOs, Tahsildars etc. consistently take the stand of either not complying with the directions in such judgments of this Court for a very long time without even having the basic courtesy to file a requisite formal application seeking extension of the time limit in*

the disposed proceedings or passing orders in patent and flagrant violation of the directions and orders passed by this Court in such judgments and also patent derogation of the legal position well settled by this Court in a catena of judicial rulings. Since the Court is now taking the liberal stand, it is expected that the respondent officer would show in equal measure necessary due deference to ensure the faithful and effective compliance with the directions issued by this Court in the said judgment.

List the case on 16.12.2020.

Handover to both sides."

4. Today, when the matter has been taken up for consideration, Sri.Saigi Jacob Palatty, learned senior Government Pleader would submit on the basis of respondent-RDO, Thrissur that inspection of the subject property has been over and the hearing in the case has already been completed and that the respondent-RDO, Thrissur will pass final orders on the application filed by the petitioner for exclusion of the subject property from the land data bank without any further delay.

5. Sri.M.Pramodh Kumar, learned counsel appearing for the petitioner would point out that he has been instructed to submit that so far copy of the inspection report pursuant to the inspection said to have been conducted by the respondent-RDO has not been given to the petitioner. If that be so, the respondent-RDO will ensure that copy of the inspection report will be immediately given to the petitioner, without any further delay and if the hearing process has been completed without giving a copy of the inspection report of the petitioner, then it shall be ensured that a re-hearing may be conducted immediately, after serving copy of the abovesaid inspection report in advance to the petitioner and final orders shall be passed on the application dated 30.1.2020 referred to in

Annexure-A2 receipt, filed by the petitioner for exclusion of the subject property from the land data bank, without any further delay, at any rate, within a period of 3 weeks from the date of receipt of a copy of this order.

6. Sri.Saigi Jacob Palatty, learned senior Government Pleader would ensure that necessary instructions and directions shall be forthwith given to the respondent –RDO, Thrissur both telephonically as well as in writing about serving copy of the inspection report immediately to the petitioner in case the same has not so far been done and to conduct a fresh hearing in the matter, in case hearing has been now conducted without serving copy of the inspection report to the petitioner etc.

7. Thereafter, in case there is any unreasonable delay on the part of the respondent – RDO to comply with the directions in the abovesaid judgment in the W.P.(C.), then liberty is accorded to the petitioner to work out remedies in that regard, including the option of filing an application to re-open the present contempt case.

Recording the abovesaid submissions of the respondent -officer and with these observations and directions and with the said liberty, the above contempt of court case will stand disposed of.

Sd/-
ALEXANDER THOMAS
JUDGE

SKS

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A1	**CERTIFIED COPY OF THE JUDGMENT IN WPC 1643/2020 DATED 02.03.2020.**
ANNEXURE A2	**THE TRUE COPY OF POSTAL RECEIPT 30.01.2020 OF PETITIONERS' APPLICATION TO THE RESPONDENT.**