IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

MONDAY, THE 8TH DAY OF APRIL 2024 / 19TH CHAITHRA, 1946

CON.CASE(C) NO. 2390 OF 2018

ARISING OUT OF THE JUDGMENT DATED 13/12/2017 IN WP(C) NO.32855 OF 2017 OF HIGH COURT OF KERALA

PETITIONER:

NIKUNJAM CONSTRUCTIONS PVT LTD T.C.4/2554(3), INDRAPRASTHAM, PATTOM, THIRUVANANTHAPURAM-695 024, REPRESENTED BY ITS MANAGING DIRECTOR S.KRISHNAKUMAR.

BY ADVS.S.SREEKUMAR (KOLLAM)
SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA

RESPONDENTS:

1. **DEEPA.L.S.,(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER), CONVENOR, TECHNICAL EXPERT COMMITTEE, WORKING AS SECRETARY, CORPORATION OF THIRUVANANTHAPURAM, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM-695 033.**

2. **JAYACHANDRAN, AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER), MEMBER, TECHNICAL EXPERT COMMITTEE, WORKING AS CORPORATION ENGINEER, CORPORATION OF THIRUVANANTHAPURAM, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM-695 033.**

3. **DR.N.UNNIKRISHNAN, AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER), MEMBER, TECHNICAL EXPERT COMMITTEE, WORKING AS ASSOCIATE PROFESSOR, (PG FACULTY ADVISORY)(GEO TECHNICAL ENGINEERING), DEPARTMENT OF CIVIL ENGINEERING, ENGINEERING COLLEGE, THIRUVANANTHAPURAM-680 009.**

4 MR.BIJU.V., AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER), MEMBER, TECHNICAL EXPERT COMMITTEE, WORKING AS ASSISTANT PROFESSOR (STRUCTURAL ENGINEERING), DEPARTMENT OF CIVIL ENGINEERING, ENGINEERING COLLEGE, THIRUVANANTHAPURAM-695 016.

***ADDL.R5 SRI T.K.JOSE IAS (SUBSTITUTED) (AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER) , THE PRINCIPAL SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, GOVT SECRETARIAT , THIRUVANANTHAPURAM-695001**

***IS IMPLEADED AS PER ORDER DATED 21/01/2019 IN IA 1/19 IN COC 2390/2018**

****ADDL.R5 DR.SHARMILA MARY JOSEPH IAS, THE PRINCIPAL SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**

****IS SUBSTITUTED AS ADDITIONAL R5 IN PLACE OF THE PRESENT ADDL.R5 AS PER ORDER DATED 04.12.2023 IN I.A.1/23 IN COC 2390/2018.**

**BY ADVS.N.NANDAKUMARA MENON (SR.)
SRI.P.K.MANOJKUMAR,SC,TVPM CORPORATION
SUMAN CHAKRAVARTHY**

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 08.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Anil K. Narendran, J.

This Contempt Case is filed alleging wilful disobedience of the direction contained in Annexure B judgment of this Court dated 13.12.2017 in W.P.(C)No.32855 of 2017, whereby that writ petition was disposed of by directing the Technical Expert Committee to assess and quantify the damages, with notice to the parties, as expeditiously as possible at any rate, within six weeks from the date of that judgment.

2. On 11.12.2018, when this Contempt Case came up for admission, the learned counsel for the petitioner prayed for liberty to implead the State Government as party respondent since it is they, who have to constitute the Technical Expert Committee, in terms of the direction given by the Division Bench on 13.12.2017 in W.P.(C)No.32855 of 2017.

3. On 08.01.2024, when this matter came up for consideration, the learned Special Government Pleader (LSGD) submitted that by Government Order dated 03.06.2021, a Technical Expert Committee has already been constituted in every district. In respect of Thiruvananthapuram Corporation, the Secretary of the Corporation is the Convenor of that Committee. The learned Special Government Pleader sought

time to get instructions as to whether that Committee has assessed and quantified the damages, in terms of the direction contained in Annexure B judgment dated 13.12.2017 in W.P.(C)No.32855 of 2017.

4. Today, when this matter is taken up for consideration, the learned Standing Counsel for Thiruvananthapuram Corporation, on instructions, would submit that the Technical Expert Committee has already taken a decision on 20.03.2024, confirming its earlier stand quantifying the amount of compensation at Rs.20,21,000/-.

Based on the aforesaid submission made by the learned Standing Counsel, this Contempt Case is closed; however without prejudice to the right of the petitioner to challenge the decision taken on 20.03.2024 by the Technical Expert Committee, before the appropriate forum, raising legal and factual contentions. A copy of the decision of the Technical Expert Committee shall be communicated to the petitioner, as expeditiously as possible, at any rate, within a period of two weeks from this date.

Sd/-
ANIL K.NARENDRAN, JUDGE

Sd/-
HARISANKAR V. MENON, JUDGE

AV/11/4

APPENDIX OF CON.CASE(C) 2390/2018

PETITIONER ANNEXURES

ANNEXURE A:	**TRUE COPY OF G.O.NO.821/2016/LSGD DATED 25.02.2016.**
ANNEXURE A1:	**ENGLISH TRANSLATION OF ANNEXURE A.**
ANNEXURE B:	**CERTIFIED COPY OF JUDGMENT DATED 13.12.2017 IN WP(C)NO.32855 OF 2017 OF THIS HON'BLE COURT.**

RESPONDENT ANNEXURES

ANNEXURE R1(A)	**A TRUE COPY OF THE ORDER OF APPOINTMENT NO.E10/2120/24 DATED 17.02.2024**