

Shaji Mathew vs Sumith Kumar

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Court : Kerala

Decided On : Jan-25-2022

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : Con.Case(C)/56/2022

Appellant : Shaji Mathew

Respondent : Sumith Kumar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V TH TUESDAY, THE 25 DAY OF JANUARY 2022 / 5TH MAGHA, 1943 PETITIONER/S: SHAJI MATHEW AGED 51 YEARS SON OF T.J. MATHEW, AGED 51 YEARS, THEKKEDATH HOUSE, VILAKKUMADAM, POOVARANNI P.O., KOTTAYAM DISTRICT KOTTAYAM, PIN - 686577 BY ADV BABU S. NAIR RESPONDENT/S: SUMITH KUMAR AGE AND FATHERS NAME NOT KNOWN TO THE PETITIONER, CIRCLE INSPECTOR OF POLICE, THIRUVAMBADI POLICE STATION, THIRUVAMBADI P.O., KOZHIKKODE DISTRICT KOZHIKKODE, PIN - 673603 BY ADV ADVOCATE GENERAL OFFICE KERALA SRI AS DEERAJ GP THIS

CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 25.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This contempt case is filed alleging non-compliance of the directions issued by this Court in the interim order dated 05.08.2021.

2. When the matter had come up for admission, this Court had

recorded the submissions of the learned counsel appearing for the party respondents that they do not intend to interfere with the functioning of the quarry run by the petitioner or to obstruct/threaten the petitioner or its workers. It is also ordered that, in violation of the undertaking, if any interference is caused, the petitioner was directed to report the matter to the respondent herein, who was ordered to act immediately and to ensure that the functioning of the establishment is not hindered in any manner by the party respondents.

3. The petitioner asserts that, despite the interim order, the

respondents on 17.12.2021 assaulted the petitioner and the employees of the association. It is contended that the respondent has wilfully flouted the directions issued.

4. The learned Government Pleader was directed to get specific instructions in that regard.

5. A detailed statement has been filed by the Inspector of Police, Thiruvambadi Police Station, the respondent herein. In the statement, it is

stated that in respect of the incident which took place on 17.12.2021, a crime was registered and the final report has been laid before the Jurisdictional Court. It is further stated that from 17.12.2021, the quarry is not functioning and it is in the afore circumstances, that the protection was not granted. It is also stated that as and when the quarry starts functioning, the protection as

ordered by this Court shall be granted and the directions shall be scrupulously complied with.

6. Smt. Smitha Babu, the learned counsel appearing for the petitioner asserts that the statement made by the Inspector of Police that the quarry is not functioning from 17.12.2021 is not correct.

7. The grievance of the petitioner is that the directions issued in the interim order has not been complied with. I find that a crime has been registered and final report has also been laid. The respondent has also undertaken that the directions in the order shall be complied with in its letter

and spirit. In that view of the matter, I do not think that any case of contempt is made out. The writ petition is still pending and the petitioner can very well pursue the matter and get the relief prayed for by him.

This Contempt Case is Closed. Sd/- RAJA VIJAYARAGHAVAN V JUDGE PS/25/1/2022 APPENDIX OF CON.CASE(C) 56/2022 PETITIONER ANNEXURES Annexure A CERTIFIED COPY OF THE INTERIM ORDER IN W.P.(C)NO.14877/2021 DATED, 5-8-2021 Annexure B TRUE COPY OF THE COMPLAINT LODGED BY ONE JITHIN P.C., DATED, 17-12-2021 Annexure C TRUE COPY OF THE F.I.R. IN CRIME NO.596/2021 OF THE THIRUVAMBADI POLICE STATION DATED, 17-12-2021

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