

Abdul Rasheed vs Reshma N.P.

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Court : Kerala

Decided On : May-18-2022

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : Con.Case(C)/187/2022

Appellant : Abdul Rasheed

Respondent : Reshma N.P.

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
WEDNESDAY, THE 18TH DAY OF MAY 2022 / 28TH VAISAKHA, 1944
CON.CASE(C) NO. 187 OF 2022 AGAINST THE ORDER/JUDGMENT
IN WP(C) 501/2021 OF HIGH COURT OF KERALA PETITIONER:
ABDUL RASHEED AGED 49 YEARS S/O.THARUPEEDIKAYIL ABDU,
THARUPEEDIKAYIL HOUSE, KONATHUKUNNU P.O.,
,MUKUNDAPURAM, THRISSUR - 680 123, REPRESENTED BY HIS
POWER OF ATTORNEY HOLDER, P.K.MOHAMMADALI, AGED 66
YEARS, S/O.KUNHIMOHAMMED, PUTHIYAVEETIL HOUSE,
VADAKKUMKARA P.O., VELLANGALLUR, THRISSUR - 680 662. BY
ADVS. N.KRISHNA RAJA MAULI RENI JAMES RESPONDENT:

RESHMA N.P. (AGE AND FATHERS NAME NOT KNOWN TO THE PETITIONER), THE AGRICULTURAL OFFICER, PUTHENCHIRA KRISHI BHAVAN, PUTHENCHIRA, THRISSUR - 680 682. BY SRI.APPU P S, GOVERNMENT PLEADER THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 18.05.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2:

N. NAGARESH, J.

Contempt of Court Case (C) No.187 of 2022 Dated this the 18th day of May, 2022

JUDGMENT

By judgment dated 09.07.2021 in W.P.(C) No.501/2021, Ext.P8 proceedings in the writ petition were set aside and the 6th respondent was directed to reconsider Ext.P4 application in the light of Ext.P2 sanction given under the Kerala Land Utilisation Order and pass orders afresh within a period of two months. The petitioner in the writ petition has filed this contempt case stating that the respondents have not complied with the directions contained in the judgment in its true spirit.

2. The learned Government Pleader filed a statement

on behalf of the respondents as directed by this Court, on 25.03.2022. Annexure-R1(a) proceedings of the LLMC would show that they have considered the issue and rejected :3: the claim of the petitioner. In Annexure-R1(a), the LLMC has specifically stated that the rejection is based on condition Nos.1 and 2 in the KLU Order dated 20.01.1997. In view of the above, prima facie the respondents have complied with the directions contained in the judgment in the writ petition.

3. The learned counsel for the petitioner would very strongly urge that the decision of the respondents contained in Annexure-R1(a) is not in accordance with the spirit of the

judgment of this Court.

4. Since the respondents have passed an order and

the respondents have a specific case that the order has been passed taking into account condition Nos.1 and 2 in the KLU Order, this Court is of the view that a factual adjudication on that issue is not permissible in a contempt proceedings. In such circumstances, the Contempt of Court Case is closed granting liberty to the petitioner to challenge the decision of the LLMC produced as Annexure-R1(a).
Sd/- N. NAGARESH, JUDGE aks/18.05.2022 :4: APPENDIX OF CON.CASE(C) 187/2022 PETITIONER'S ANNEXURES Annexure A1 CERTIFIED COPY OF THE JUDGMENT DATED HON'BLE HIGH COURT OF KERALA. Annexure A2 TRUE COPY OF THE LETTER DATED

OFFICE CONFIRMING SENDING THE JUDGMENT

TO THE RESPONDENT ON 17/08/2021 THROUGH E-MAIL. RESPONDENT EXHIBITS Annexure R1(a) COPY OF MINUTES OF THE MEETING OF LLOMC HELD ON 15.09.2022. Annexure R1(b) COPY OF FORWARDING LETTER ALONG WITH THE REPORT.

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