

(2010) 11 KL CK 0357

In the High Court Of Kerala

Case No : Con. Case (Civil) No. 1248 of 2010

K. Suresh Kumar, T. Sugathan, M. Aravindan and M. Dinesh Kumar

APPELLANT

Vs

Manoj Joshy and V.K. Baby

RESPONDENT

Date of Decision : 25-11-2010

Acts Referred:

Citation : (2010) 11 KL CK 0357

Hon'ble Judges : P.R. Ramachandra Menon, J;Jasti Chelameswar, J

Bench : Division Bench

Advocate : K.S. Madhusoodanan, for the Appellant; Government Pleader, for the Respondent

Judgement

Ramachandra Menon, J.—The Petitioners have approached this Court with this Contempt Petition stating that only scant regards have been paid to the verdict passed by this Court on 24.11.2009, where, an undertaking was given on behalf of the Government and also on behalf of the Water Authority that, completion of the pipe line laying works from sewage treatment plant, Kozhikode Medical College to Canoly Canal will be completed and commissioned after trial run by the 4th week of July, 2010.

2. During the course of the proceedings, the learned Government Pleader submitted that the 1st Respondent/contemnor is actually in no way connected with the matter. In the said circumstances, the Petitioners have filed an Interlocutory Application bearing No. , I.A. 591 of 2010 to substitute the 1st Respondent, which was allowed and the 1st Respondent was substituted as per order dated 13.10.2010. But no draft memo of charges has been filed in respect of the said substituted Respondent. The learned Counsel for the Petitioners submits that the grievance projected will stand confined only to the 2nd Respondent and that the matter need not be dealt with, against the 1st Respondent.

3. The substituted 1st Respondent has filed an affidavit. It is revealed from the

affidavit that the construction of the sewage treatment plant was completed; its trial run was successfully conducted and the remaining work is with regard to the laying of pipe lines.

4. The 2nd Respondent, has filed a counter affidavit pointing out the sequence of events as to the steps taken to comply with the undertaking given. It is stated that, the work was entrusted by the Water Authority, on tender, to one Mr. T. Ramachandran, a Contractor, who commenced the work. However, the work was intercepted by the local public and a series of proceedings by way of negotiations, meetings, conferences etc; at the instance of the District Collector, Kozhikode, Mayor of Kozhikode Corporation and also the MLA of Kozhikode Assembly Constituency were held at different points of time. It is also brought to our notice that some of the local residents had approached this Court by filing a writ petition, seeking an alternate route to drain out the treated water from the treatment plant. It is also pointed out in the counter affidavit that earnest efforts have been made to obey the undertaking given while finalising the proceedings as per the verdict dated 24.11.2009 and that there is no willful disobedience in any manner.

5. After hearing the learned Counsel for the Petitioners, the learned Government Pleader appearing on behalf of the 1st Respondent and also the learned Counsel for the 2nd Respondent, we find that no further proceedings are required to be pursued in this matter; but for observing that the work shall be finalised without any further delay.

6. The learned Counsel for the 2nd Respondent who happens to be the Standing Counsel for the Water Authority submits that they require six months" time to complete the work. However, taking note of the actual facts and figures and the steps already taken, we find it fit and proper to grant three months" time from today, so as to have the entire works completed and the project commissioned.

With the above observation and direction, the Contempt of Court Case is closed.