IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 20TH DAY OF SEPTEMBER 2023 / 29TH BHADRA, 1945

CON.CASE(C) NO. 1023 OF 2023

[IN THE JUDGMENT PASSED IN WP(C) 25583/2021 DATED 13.01.2022 ON THE FILES OF HON'BLE HIGH COURT, ERNAKULAM]

CONTEMPT PETITIONER/FIRST PETITIONER:

HUSSAIN.A, AGED 75 YEARS,
SON OF AHAMMADUNNI @ AMMUNNI, SWASTHIKA HOUSE,
(ALATHAYIL HOUSE - PULAKKA VEETTIL), AKALAD (VIA),
MANNALAMKUNNU. P.O, CHAVAKKAD TALUK, TRISSUR DIST.,
PIN - 680518.

BY ADV P.B.PRADEEP

RESPONDENT/RESPONDENT NO.4:

KRISHNATHEJA IAS,
AGE AND FATHER'S NAME ARE NOT KNOWN TO THE PETITIONER,
DISTRICT COLLECTOR, COLLECTORATE,
AYYANTHOL.P.O, TRISSUR DIST., PIN - 680003.

SMT. VIDYA KURIAKOSE, GP

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 20.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Even though the learned Government Pleader says that an order dated 25.08.2023 has been issued by the respondent in full compliance with the directions of this Court, it is seen therefrom that, though the amounts due to the petitioner have been deposited, it has been ordered not to be disbursed because they are awaiting certain clarifications from the Government of India.

2. The order now issued by the respondent also shows that the reason for afore is because the respondent has obtained certain information from the Government of India, that investigation into the property in question, under the provisions of the Enemy Property Act, is still going on.

3. I am afraid that the afore stand of the respondent cannot find favour in law because,

they cannot wait *ad infinitum* for the Government of India to take action - which is either not completed, or perhaps not initiated. The order only records a suspicion that Government of India is carrying on an investigation; but without any affirmative information being available to them, or discernible therefrom.

In the afore circumstances, I close this Contempt Case, directing the respondent to effect payment to the petitioner, on obtaining a self bond from him with respect to the said amount; with the clarification that, should the Government of India initiate any further action or complete proceedings under the afore Act, the petitioner will be solely responsible for the same and to answer it in terms of law.

Needless to say, since this Court is not entering into the quantification of the amounts now made by the respondents, I leave liberty to

the petitioner to invoke any remedy with respect to it, if he is so advised; for which purpose, all contentions in that regard are left open.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

akv

APPENDIX OF CON.CASE(C) 1023/2023

PETITIONER ANNEXURES

ANNEXURE-A1	CERTIFIED COPY OF THE JUDGMENT IN WPC 25583/ 2021 DATED: 13-01-2022
ANNEXURE-A2	TRUE COPY OF THE RECEIPT OF ACKNOWLEDGMENT DATED: 01-02-22
ANNEXURE-A3	TRUE COPY OF THE FIRST REMINDER DATED: 11-06-2022
ANNEXURE-A4	TRUE COPY OF THE SECOND REMINDER DATED: 03-08-2022
ANNEXURE-A5	TRUE COPY OF THE THIRD REMINDER DATED: 20-03-2022