



2024:KER:67724

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

MONDAY, THE 2ND DAY OF SEPTEMBER 2024 / 11TH BHADRA, 1946

CON.CASE (C) NO. 1918 OF 2024

AGAINST THE JUDGMENT DATED 02.02.2024 IN WP (C) NO.30586

OF 2023 OF THE HIGH COURT OF KERALA

PETITIONER/ADDL.8TH RESPONDENT:

THE KARTHIKAPPALLY BRAHMANA SAMOOHAM
REPRESENTED BY IT'S PRESIDENT
ADV.S.KRISHNAMOORTHY, AGED 60 YEARS, S/O.LATE
SUBRAHMANYA IYER, AMPANAT MADOM, MAHADEVIKAD
P.O., KARTHIKAPPALLY VILLAGE, ALAPPUZHA 690
516, NOW RESIDING AT AMPANAT 39/468, MONASTERY
ROAD, KARIKKAMURY, KOCHI ERNAKULAM DISTRICT,
PIN - 682011.

BY ADVS.
SNEHA ROSE
P.S.ARUNA

RESPONDENTS/RESPONDENT 2 & 4:

- 1 BINDHU S (*DELETED)
AGED 54 YEARS, D/O N. SREEDHARAN, SECRETARY,
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS,
NANDHANCODE, THIRUVANANTHAPURAM, PIN - 695003



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RESIDING AT SANTHOSH BAVAN, PAZHYAKUNNUMEL,
KILIMANOOR P.O., THIRUVANANTHAPURAM,
PIN - 695601.

2 JAYACHANDRAN
FATHER'S NAME AND AGE NOT KNOWN THE SPECIAL
TAHSILDAR (LAND CONSERVANCY UNIT) TRAVANCORE
DEVASWOM BOARD, DEVASWOM BUILDINGS,
NANDHANCODE, THIRUVANANTHAPURAM, PIN - 695003.

*R1 IS DELETED AS PER ORDER DATED 12/08/2024 IN
IA 2/2024 IN COC 1918/2024.

SRI S RAJMOHAN, SR GP
SRI G SANTHOSH KUMAR, SC FOR TDB

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP
FOR ADMISSION ON 02.09.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



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ANIL K. NARENDRAN & P.G. AJITHKUMAR, JJ.

Cont.Case (C) No.1918 of 2024
in
W.P.(C) No.30586 of 2023

Dated this the 2nd day of September, 2024

O R D E R

P.G.Ajithkumar, J.

The 8th respondent in the writ petition has filed this contempt case. The writ petition was filed by a devotee of the Valiyakulangara Devi Temple. As per the judgment dated 02.02.2024 the 2nd respondent herein was directed to finalise survey of the disputed land, with reference to the survey records, including old survey records, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of that judgment with notice to the petitioner, the 7th respondent and also the additional 8th respondent Brahmana Samootham. It was further directed that till such exercise is undertaken and completed by the 4th respondent-Special Tahsildar, the interim order granted by this Court in paragraph No.11 of the order dated 21.09.2023, including the order of status quo as on that date in respect of



the shop rooms under construction, should be maintained.

2. The petitioner would allege that the respondents did not complete the survey proceedings in terms of the above directions within the stipulated period or even yet, thereby the respondents committed civil contempt for which they are sought to be proceeded against.

3. The petitioner has filed I.A.No.1 of 2024 seeking permission to produce additional memo of charge. That I.A. was allowed on 12.08.2024. The petitioner also filed a I.A.No.2 of 2024 seeking an order deleting the 1st respondent from the party array and to withdraw the memo of charges posed against him. That petition was allowed and the 1st respondent was deleted from the party array.

4. The 2nd respondent submitted an affidavit wherein it is averred that the survey could not be completed within the stipulated time for want of divisional sketch, which is absolutely essential for demarcating 6 cents of land comprised in survey Nos.3761A and B of Karthikappally Village, but the same could not be obtained yet. It is stated that a copy of the



divisional sketch could not be obtained even from the Central Archives, Thiruvananthapuram. It is also stated that a report was already submitted before this Court seeking extension of time for completion of demarcation of the properties as directed in the judgment. Thus, the 2nd respondent maintained that there was no willful negligence or laches on his part.

5. The petitioner filed a reply-affidavit reiterating that the 2nd respondent did not take action in time in order to comply with the directions in the judgment. It is also stated that without a divisional sketch, the properties could be demarcated.

6. Heard the learned counsel for the petitioner and the learned Standing Counsel of the Travancore Devaswom Board for the 2nd respondent.

7. The 2nd respondent produced along with his affidavit Annexures R(a) to R(e). Those documents would show that said respondent has taken earnest efforts to get a copy of the divisional plan relating to the properties comprised in survey Nos.3761/A and 3761/B of Karthikappally Village.



Although the petitioner has taken a stand that even without such a divisional sketch, the survey as directed in the judgment in W.P.(C) No.30586 of 2023 is possible, we are not able to accept the same in view of the definite stand taken by the 2nd respondent. It is seen that the 2nd respondent has already submitted a report to the Registrar of this Court explaining the reason for the delay and seeking further time.

8. Having considered the materials on record, we are of the view that the delay has occasioned not on account of the wilful laches on the part of the 2nd respondent.

9. In the said circumstances, we find no reason to proceed against the 2nd respondent for contempt at this stage. Hence, this contempt case is closed directing that the 2nd respondent shall complete the survey operation in terms of the direction in the said judgment without any further delay.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

P.G. AJITHKUMAR, JUDGE



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APPENDIX OF CON.CASE(C) 1918/2024

PETITIONER ANNEXURES

- ANNEXURE A1** CERTIFIED COPY OF THE JUDGMENT DATED 2/2/2024 IN WRIT PETITION NO. 30586/2023
- ANNEXURE A2** TRUE COPY OF THE COMMUNICATION DATED 7.3.2024 ISSUED BY THE SPECIAL TAHASILDAR (LR) TRAVANCORE DEVASWOM BOARD
- ANNEXURE A3** TRUE COPY OF THE ORDER DATED 23.3.24 ISSUED BY THE TAHASILDAR (LAND RECORDS)
- ANNEXURE A4** TRUE COPY OF ONE OF SUCH REQUESTS DATED 14.2024 PREFERRED BEFORE THE RESPONDENT

RESPONDENT ANNEXURES

- ANNEXURE-R (A)** TRUE COPY OF THE LETTER NO.A3-696/2023 DATED 13/02/2024 ISSUED BY THE SPECIAL TAHSILDAR (LAND CONSERVANCY UNIT), TDB TO THE DISTRICT SURVEY SUPERINTENDENT, ALAPPUZHA .
- ANNEXURE-R (B)** TRUE COPY OF THE REPLY LETTER NO.E5-120/2024 DATED 21/02/2024 OBTAINED FROM DISTRICT SURVEY SUPERINTENDENT, ALAPPUZHA .
- ANNEXURE-R (C)** TRUE COPY OF THE LETTER NO.A3-696/2023 DATED 21/02/2024 ISSUED BY THE SPECIAL TAHSILDAR (LAND CONSERVANCY UNIT), TDB TO THE SUPERINTENDENT, CENTRAL ARCHIVES, THIRUVANANTHAPURAM.
- ANNEXURE-R (D)** TRUE COPY OF THE LETTER NO.RM.2-487/2024/CA DATED 29/02/2024 OBTAINED FROM THE SUPERINTENDENT, CENTRAL ARCHIVES.



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ANNEXURE-R(E)

TRUE COPY OF THE REPORT NO.A3-696/2023
DATED 07/03/2024 SUBMITTED BY THE
SPECIAL TAHSILDAR (LAND CONSERVANCY
UNIT), TDB BEFORE THE REGISTRAR, HIGH
COURT OF KERALA.