

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Monday, the 6th day of November 2023 / 15th Karthika, 1945

CONTEMPT CASE(C) NO. 1024 OF 2023(S) IN WP(C) 7268/2013

PETITIONERS/PETITIONERS NO.13 & 45:

1. SAJEEV KUMAR V.N., S/O NANU, VANIYAMKOTTU THADATHIL PUTHEN PURAYIL, AYYANKUZHI, PUTHENKURISU VILLAGE, AMBALAMUGHAL-P.O., ERNAKULAM DISTRICT- 682 302
2. VINOD. V.A., S/O APPU, VETTIKATTUKAROTTU AYYANKUZHI, PUTHENKURISU VILLAGE, AMBALAMUGHAL-P.O., ERNAKULAM DISTRICT. 682 302

BY ADVOCATE SMT. M. HEMALATHA

RESPONDENT/18TH RESPONDENT:

1. SRI. V.P. JOY, CHIEF SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT, STATUE, THIRUVANANTHAPURAM. 695 001.
ADDITIONAL R2 & R3 IMPLEADED
2. THE DISTRICT COLLECTOR, COLLECTORATE, ERNAKULAM.
3. THE PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.
ADDL. R2 & R3 SUO MOTU IMPLEADED AS PER ORDER DATED 11/07/2023 IN COC.1024/2023.
ADDITIONAL R4 IMPLEADED
4. SRI.V. VENU, CHIEF SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT, STATUE, THIRUVANANTHAPURAM 695 001.
ADDL.R4 IS IMPLEADED AS PER ORDER DATED 31/10/2023 IN IA 1/2023 IN COC 1024/2023.

P.T.O.

ADDITIONAL R5 IMPLEADED

5. THE CENTRAL POLLUTION CONTROL BOARD,
REPRESENTED BY MEMBER SECRETARY,
OFFICE OF THE CENTRAL POLLUTION CONTROL BOARD,
PARIVESH BHAWAN, EAST ARJUN NAGAR, NEW DELHI – 110 032.
ADDL.R5 IS SUO MOTU IMPLEADED AS PER ORDER DATED
06/11/2023 IN COC 1024/2023.
GOVERNMENT PLEADER FOR R1 TO R4
SRI.S.MANU, DEPUTY SOLICITOR GENERAL OF INDIA

This Contempt of court case (civil) having come up for orders on 06.11.2023, the court on the same day passed the following:



P.T.O.

DEVAN RAMACHANDRAN, J.

Contempt Case(C)No.1024 of 2023

Dated this the 06th day of November, 2023

ORDER

I can only speak in exasperation that, in spite of the specific observations in the order dated 31.10.2023, the Chief Secretary has filed an affidavit saying that he will require another three months time to complete certain tests and to obtain reports from the "Expert Committee".

2. The pathos of the people who are caught between the two industries, somehow appeared to have escaped the attention of the competent Authorities, even when this Court directed them to do so on war footing.

3. To make it worse, the Chief Secretary says that 'he has got pre-scheduled engagements throughout next week' and therefore, cannot appear before this Court. He adds that he is the General Convener of the ongoing prestigious "Keraleeyam" programme and he has been entrusted with multifarious tasks in that regard. One really fails to understand how he would obtain time to see the stated prejudice of the petitioners in these circumstances.

4. If, what the petitioners say are true, then every passing day would be subjecting them to irreparable detriment, particularly to the old and infirm.

5. The State appears to be now taking their own time, in spite of the fact that the judgment of this Court was delivered as early as on 08.04.2022; and during 8 months period thereafter, the competent Authorities have not been able to even verify whether if what the petitioners say are true or otherwise. This is tragic to say the least.

6. I, therefore, *suo motu* implead the Central Pollution Control Board, represented by Member Secretary, Office of the Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032, on the party array .

7. The Chief Secretary of State of Kerala shall appear online on the next posting date, whatever be the “pre-scheduled engagements” he may have.

8. I must record that since this Court had only asked the Officer to appear online, one cannot understand why he could not spare even five or ten minutes to do so. I leave it there for the time being.

9. Show the name of Sri.S.Manu - learned Deputy

Solicitor General of India in the cause list.

List on 08.11.2023 at 2.00 p.m.

Sd/-

**DEVAN RAMACHANDRAN,
JUDGE**

MC



VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Monday, the 6th day of November 2023 / 15th Karthika, 1945

CONTEMPT CASE(C) NO. 2149 OF 2023 (S) IN WP(C) 24079/2021

CONTEMPT PETITIONER/PETITIONER IN WP(C):

K ASOKAKUMAR, AGED 66 YEARS, S/O P K KUTTAN,
RESIDING AT KURUPPANTAZHIKOM HOUSE, VAKKOM, P.O.,
TRIVANDRUM, PIN - 695 308.

BY ADVOCATES M/S. JOSE ABRAHAM & E.ADITHYAN

RESPONDENTS/1ST AND 2ND RESPONDENTS IN WP(C):

1. SRI. BIJU PRABHAKAR, IAS, SECRETARY TO GOVERNMENT, TRANSPORT DEPARTMENT, STATE OF KERALA, THIRUVANANTHAPURAM - 695 001.
2. DR. V VENU, IAS, CHIEF SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM DISTRICT, KERALA, PIN - 695 001.

BY SPECIAL GOVERNMENT PLEADER

This Contempt of court case (civil) having come up for orders on 06.11.2023, the court on the same day passed the following:

P.T.O.

DEVAN RAMACHANDRAN, J.

**Contempt Case(C)Nos.2149 of 2023
& 2368 of 2023**

Dated this the 06th day of November, 2023

ORDER

The respondents are not present and the learned Special Government Pleader says that both of them have “other engagements”.

2. The petitioner and many others like him have survived three months without pension and they say that they cannot go on like this any further.

3. Any person would have empathy for the condition of the petitioner and similarly situated persons; but the respondents appear to have prioritized their “other engagements”, more than the plight of these hapless people.

4. This Court can only rue.

5. It is a tragic situation, not only for the petitioner, but for his family and others depended on him, to be denied his pension for more than three months now. In fact, the pension for the month of November, 2023 became due yesterday (05.11.2023); but still, the respondents say that they are not able to devote time because of their “pre-existing engagements”.

6. This Court cannot remain silent or mute, since it cannot be obvious to the pathos of ordinary men and women suffering without resources for their daily sustenance. I, therefore, direct the respondents to be present online on the next posting date without fail.

List on 08.11.2023 at 2.00 P.M.

Sd/-

**DEVAN RAMACHANDRAN,
JUDGE**



MC