

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
CONTEMPT CASE No.1096 of 2013

ORDER:

The order, violation of which is alleged in this Contempt Case, is the order passed in W.P.No.2819 of 2013 dated 01.02.2013 whereby the petitioner was required to file an application in the prescribed form within two weeks from the date of receipt of a copy of the order; and the second respondent was required to consider the said application and to pass orders thereupon in accordance with law within two months thereafter. The fact that the petitioner submitted an application on 13.02.2013 is not in dispute. An endorsement was given through mee-seva dated 06.04.2013 that the petitioner's application dated 13.02.2013 was examined and was rejected for the following reasons. Curiously the endorsement does not contain any reasons whatsoever. It is only after the petitioner filed a Contempt Case on 18.06.2013 that the second respondent appears to have realized his error. There is, however, a dispute whether he passed an order soon thereafter on 22.06.2013.

The submission of Sri G.Madhusudhan Reddy, learned counsel for the petitioner, is that, in the endorsement dated 22.06.2013, only the month and date were handwritten and the year (2013) is printed; whereas, in the endorsement dated 01.07.2013, the date, the month and the year are all handwritten. The submission of Sri G.Madhusudhan Reddy, learned counsel for the petitioner is that, while the contents of the endorsement are identical, the submission that the very same endorsement was furnished to the petitioner is incorrect. There is considerable force in this submission. While it is doubtful whether the respondent had issued the endorsement dated 22.06.2013, it is not in dispute that the endorsement dated 01.07.2013 was served on the petitioner on 02.07.2013. The order of this Court required the second respondent to pass orders in accordance with law within two months from the date of the application and, consequently, the second respondent should have passed an order by the end of April, 2013, instead of an intimation through mee-seva that the petitioner's application was rejected.

The order eventually passed on 01.07.2013 is belated and, to this extent, the order of this Court has been violated. The second respondent ought to have filed a petition, for extension, in the Writ Petition if he was unable to comply with the order in time. While Sri G.Madhusudhan Reddy, learned counsel for the petitioner, would submit that this violation would necessitate the respondent-contemnor being punished, or atleast being directed to pass an order afresh, the delay in compliance of the order of this Court is not so inordinate as to justify punishing the second respondent under the Contempt of Courts Act, 1971, more so as he has tendered his unconditional apology for the lapse on his part. The learned Government Pleader for Revenue assures that the second respondent would be careful in future. I see no reason, therefore, to take action against the second respondent under the Contempt of Courts Act. With regards the submission of Sri G.Madhusudhan Reddy, learned counsel for the petitioner, that the second respondent should be directed to pass an order afresh, it must be borne in mind that, while exercising jurisdiction under the Contempt of Courts Act, the Court cannot go behind the order, violation of which is alleged in the Contempt Case. The enquiry in, and the order to be passed in, a contempt proceedings is limited only to punish the contemnor for contempt and not to issue any directions, much less an order as sought for by the petitioner.

The Contempt Case is, accordingly, closed. Miscellaneous petitions pending, if any, shall also stand closed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

11th September, 2015.

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