

HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1167 of 2014

Date: 13.03.2015

Between:

Akula Biksham s/o. Venkateshwarlu, Aged about 54 years,
Occu: Private Employee, R/o.Goratla Village, Thadikonda
Mandal, Guntur District

.. Petitioner

AND

Sri Kanthilal Dande, s/o.not known, the District Collector,
Guntur District.

.. Respondent

The Court made the following:

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CONTEMPT CASE No.1167 of 2014

ORDER:

This Court by order dated 04.03.2014 disposed of the Writ Petition No.6001 of 2014 giving liberty to the petitioner to file an application before the District Collector, Guntur, seeking to issue No Objection Certificate for alienating the land in Sy.No.246 to an extent of Ac.1.40 cents in Lam Village, Thatikonda Mandal, Guntur district. As directed by the Court, petitioner submitted application on 14.03.2014 to the District Collector requesting him to issue No Objection Certificate. Even though sufficient time elapsed, no orders are passed on the application submitted by the petitioner, complaining non-compliance of the orders, this Contempt Case is filed.

2. Along with the counter-affidavit, copy of the endorsement dated 27.11.2014 was filed, which discloses consideration of representation submitted by the petitioner and passing of orders rejecting his claim for grant of No Objection Certificate.

3. Learned counsel for the petitioner contends that no justification is shown in the counter-affidavit filed as to why the respondent authority took such a long time to take a decision as directed by this Court, whereas this Court also fixed three weeks time for passing appropriate orders. Three weeks time granted was expired in the first week of April, 2014 and no justification is shown for such delay.

4. In the counter-affidavit, respondent state that after the disposal of the writ petition and submission of the representation by the petitioner,

entire establishment was involved in conducting general elections to the State Assembly and Indian Parliament and, therefore, no action could be taken till the election schedule was over and a new Government has come into office. Thereafter, because of Hud-Hud cycle occurred in September, 2014, the entire administration was diverted to attend to rehabilitation and resettlement of the people affected by the cyclone. This explanation does not answer the contention of the counsel for the petitioner that after the general elections and till Hud-Hud cyclone of September, 2014, the respondent authority had three months time to take a decision. The respondent authority has not given any explanation for not taking decision after the general elections.

5. The contentions urged by the learned counsel for the petitioner are well founded. No justification is shown as to what prevented the authority from taking the decision on a simple routine matter for such a long time. Moreover, there is no justification not to take a decision after completion of election process. Whenever the Court fixes time for compliance of the order, it is bounden duty of the authorities concerned to comply with the orders within the time limit fixed. If for any reason the authority cannot take decision within the time granted, it is their bounden duty to file a petition before the Court seeking extension of time. Without filing appropriate petition for extension of time, the respondent authorities cannot keep quiet for such a long time and pass orders only when they receive notice in the contempt case. It shows disinclination to take decisions or comply with orders of the Courts. Officers should be aware that delay in taking decision also attracts the provisions of contempt of Courts Act, 1971. This attitude is deprecated. I hope and expect that the Officer concerned shall be careful in future in complying with the orders issued by the Court within the time stipulated by the Court.

6. Having regard to the fact that orders passed by this Court are

complied with, the Contempt Case is closed. However, it is always open to the petitioner to work out his remedies as available in law.

Miscellaneous petitions pending, if any, in this contempt case shall stand closed.

JUSTICE P.NAVEEN RAO

Date : 13.03.2015

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