

HON'BLE SRI JUSTICE S.V. BHATT
CONTEMPT CASE No.891 OF 2015

ORDER:

Pursuant to the issue of Form-1 notice on 05.06.2015, the contemnor/respondent is present in the Court. The contemnor has filed counter affidavit setting out the circumstances leading to delay in complying with the order of this Court in W.P.No.22345 of 2010. Along with the counter affidavit, the decision taken by the respondent as communicated through proceedings No.660/1996-A dated 02.07.2015 is placed on record.

The learned counsel appearing for the petitioner, however, tries to convince this Court that a few of the observations made in proceedings dated 02.07.2015 are in fact, further aggravate the contempt alleged against the contemnor/respondent and this Court is to take serious view of the matter.

On the other hand, learned Government Pleader submits that while setting aside the order dated 03.02.2009, this Court directed the contemnor to independently examine and dispose of the matter. Expression of view in the process of disposing of the pending case cannot strictly be treated as violating the order of this Court. It is further stated that if at all the petitioner is aggrieved by the findings recorded in proceedings dated 02.07.2015, the petitioner has to work out the remedies available in accordance with law.

Noted the contentions of learned counsel appearing for the parties and perused the material available on record. While disposing of the writ petition, no doubt, this Court has not stipulated the period for passing an order. Notwithstanding such direction, the contemnor is under obligation to pass appropriate orders in accordance with writ rules. Admittedly, there is delay in passing the order as directed in writ petition No.22345 of 2010. The explanation offered for the delay in passing the order is taken note. I am satisfied with the explanation and not inclined to proceed further in the contempt case. Notice already issued is discharged. The contempt case is dismissed. It is made clear that the dismissal of contempt case shall not be treated as this Court expressing any view on the legality or otherwise of proceedings dated 02.07.2015. The petitioner is at liberty to pursue the remedies available in accordance with law.

S.V.BHATT, J

Date: 03.07.2015
Stp