

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

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Contempt Case No.2086 of 2013

ORDER:

The order, violation of which has resulted in the present contempt case being filed, is the order passed in W.P.No.38003 of 2012 dated 26.12.2012. By the said order, the petitioner was permitted to file an application in the prescribed form within two weeks from the date of receipt of a copy of the order and, in case such an application was filed in accordance with the prescribed form under the Act and the Rules and within the said period, the 3rd respondent was required to consider the same and pass orders thereupon in accordance with law within two months thereafter.

Along with the counter affidavit, a copy of the order passed by the Tahsildar dated 29.11.2013 is enclosed wherein it is held that, since the petitioner's vendor had already sold the land to others through an unregistered agreement of sale and those individuals had preferred a claim, the petitioner's request could not be considered.

While Sri Ganduri Nageswara Rao, learned counsel for the petitioner, would put forth his submissions on the merits of the order passed by the Tahsildar dated 29.11.2013, these are all matters which can only be adjudicated in independent writ proceedings, and cannot be the subject matter of enquiry in proceedings under the Contempt of Courts Act. The only questions which this Court is required to examine, in contempt proceedings, is whether the order of this Court is violated and, if so, whether the violation is wilful and deliberate. The order of this Court merely required the 3rd respondent to consider the petitioner's application, the correctness of which cannot be examined in contempt proceedings. The order of this Court has not been violated necessitating action being taken under the Contempt of Courts Act.

The contempt case is, accordingly, closed. Contempt Applications pending, if any, shall also stand closed. There

shall be no order as to costs.

RAMESH RANGANATHAN, J

27th March 2015.
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Date: 27.03.2015

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