

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

TUESDAY, THE SIXTH DAY OF OCTOBER TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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CONTEMPT CASE No.1149 of 2015

Between:

Neela Bhaskar Goud,
S/o. Neela Yadaiah, Aged 40 years,
R/o. H.No.2-11, Pahadi Shareef,
Saroornagar, Hyderabad,
Ranga Reddy District & another

.. Petitioners

AND

The State Election Commission,
Rep. by Commissioner,
5th Floor, DTCP Building,
Opp: PTI Building, AC Guards,
Hyderabad – 500 004 & 4 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

This contempt is filed alleging violation of the orders passed by this Court in W.P.No.24738 of 2014, dated 27.08.2014. This Court directed the Sub-Registrar, Asifabad, Adilabad District (respondent herein) to process the document presented by the petitioner for registration without insisting for No Objection Certificate subject to the document fulfilling all the requirements of the Registration Act, 1908, and the Indian Stamp Act, 1899. It was also directed that if the opinion of the Sub-Registrar is that the document presented for registration warrants denial, he shall pass orders in writing indicating the reasons for such refusal and communicate the same to the party.

2. Earlier, not satisfied with the averments in the counter, the Court directed for appearance of the Sub-Registrar. The Sub-Registrar is present.

3. The learned Assistant Government Pleader has produced the original record. According to the learned Assistant Government Pleader, as seen from the endorsement, the document was processed. Initially, a clarification was sought from the Tahsildar concerned, but no clarification was issued by the Tahsildar. However, they have noticed that in the 'Lavani Patta' record, the property is shown in the prohibited list and as per the orders of the Commissioner and Inspector General, Registration and Stamps, dated 17.07.2013, even in the 'Lavani Patta' record also, the property is shown as prohibited property and the same shall be treated as prohibited under Section 22-A of the Registration Act, 1908, and the document should be refused for registration. Thus, due reasons are shown for rejecting the registration. The original record produced by the learned Assistant Government Pleader is returned.

4. Though the learned counsel for the petitioner contended that such rejection is not valid in law and the document could not have been rejected on that ground and that having addressed a letter to the Tahsildar to clarify and even without waiting for the clarification, the rejection order could not have been passed.

5. What is contended by the learned counsel for the petitioner may be true. But the question for consideration in the contempt case is whether there is any deliberate and willful disobedience of the order of this Court by the authority warranting initiation of proceedings under the Contempt of Courts Act, 1971.

6. As seen from the material on record and the proceedings by which the decision was communicated to the petitioner, it cannot be said that the respondent has violated the orders of the Court deliberately and willfully warranting initiation of proceedings against the petitioner.

7. Thus, the Contempt Case is closed. However, it is left open to the petitioner to contest the decision given by the respondent in rejecting the document for registration. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

P.NAVEEN RAO, J

Date: 6th October, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 6th October, 2015

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