

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

-

C.C.No.812 OF 2015

Between:

Gudupalle Nagamal Reddy

....Petitioner

A n d

Jagdish Chander Sharma and
others

....Respondents

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE S.V. BHATT

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|----|---|--------|
| 1. | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE S.V.BHATT

C.C.No.812 OF 2015

JUDGMENT:

Heard learned counsel for the petitioner and
Sri A.Veerawamy, learned Government Pleader for Revenue.

The present contempt case is filed complaining disobedience of

order dated 18.02.2015 in WPMP.No.1315 of 2015 in W.P.No.1044 of 2015 by the 3rd respondent. The order dated 18.02.2015 reads as follows:

“There shall be interim direction to respondent to receive and consider the document relating to land admeasuring Ac.7.11 cts out of Ac.10.31 cts in Sircar Dry Survey No.1753, Kurbalakota Revenue Village, Kurbalakota Mandal, Madanapalle, Chittoor District, presented by the petitioner for registration as per the market value in force prior to G.O.Ms.No.157 dated 30.03.2013. The determination of stamp duty at present is subject to the final result of the writ petition and also further orders of the Apex Court in the pending SLP”.

The petitioner, having waited for implementation of the order till 23.04.2015 and completely being unsuccessful in persuading the 3rd respondent to comply with the order referred to above, filed the present contempt case.

On 03.07.2015, at the request of learned Government Pleader appearing for 3rd respondent, the matter was adjourned to 17.07.2015.

The learned Government Pleader was directed to ensure the presence of 3rd respondent on the next date of hearing i.e., 17.07.2015. On 17.07.2015, on the representation of learned Government Pleader, the following docket order was passed:

“On 03.07.2015, this Court through learned Government Pleader for Revenue directed for appearance of the 3rd respondent. Today, learned Government Pleader informs that the docket order dated 03.07.2015 of this Court has already been communicated to the 3rd respondent and he is not aware of the reasons for the absence of 3rd respondent.

Therefore, this Court directs the 3rd respondent to be personally present in the Court on 24.07.2015.”

Thereafter, the 3rd respondent filed counter affidavit dated 24.07.2015.

The relevant paragraphs in the counter affidavit, briefly stated, reflect the manner in which the 3rd respondent has realized the duty in implementing lawful orders:

“It is submitted that pursuant to the orders of this Hon’ble Court dt.18.02.2015 the petitioner has presented a sale deed in respect of the land in Sy.No.1753 to an extent of Ac.7.11 cents of Kurabalakota village and this respondent in obedience to the directions of this Hon’ble Court registered and released the document No.4039/2015 on 15.7.2015. Thus, this respondent has complied the orders of this Hon’ble Court.

It is respectfully submitted that there is no violation or disobedience much less willful disobedience on my part for the orders passed by this Hon’ble Court. I submit that I have got highest regard and respect to the orders passed by this Hon’ble Court and have been implementing the same with utmost care and caution”.

This Court having been completely dissatisfied with the manner of implementation of an innocuous order and the text of reply as stated in counter affidavit dated 24.07.2015 was about to proceed with adjudication of the contempt case filed against non-implementation of the order dated 18.02.2015. The learned Government Pleader, on instructions, from 3rd respondent who is in Court has requested further time to file additional counter affidavit to place before the Court unconditional apology and also the mitigating circumstances, if any, in not implementing the order dated 18.02.2015. As the consideration of alleged contempt has serious consequence on the career of the 3rd respondent and with a view to affording reasonable opportunity, further time as prayed for by the 3rd respondent was granted. The 3rd respondent places on record the additional counter affidavit dated 24.07.2015. The relevant paragraphs in the additional counter affidavit read as follows:

“I submit that this Hon’ble Court was pleased to pass interim orders on 18.2.2015 directing the Sub-Registrar to receive and consider the document in

question as per the market value prevailing prior to G.O.Ms.No.157 dated 30.03.2013. I submit that the orders of this Hon'ble Court are received by our office within a week thereafter.

In a mistaken impression, I did not implement the orders of this Hon'ble Court immediately thereafter. Even though there is no time limit prescribed by this Hon'ble Court,

I should have implemented the orders of this Hon'ble Court within 2 months from the date of receipt of the order as per the Writ Rules. However, after receipt of the orders of this Hon'ble Court by my office, the same were misplaced and could not be traced out immediately. When the petitioner approached our office to enquire about the pending document, again I could verify the orders of this Hon'ble Court and thereafter, I registered the document on 15.7.2015. In the process, there is a delay of more than 3 months. I respectfully submit that the delay in complying with the orders of this Hon'ble Court is neither willful nor intentional, but due to inadvertence it occurred. I humbly submit that the delay in complying with the orders of this Hon'ble Court is my mistake and the same may kindly be excused and I tender my unconditional apology for the delay and the same may kindly be accepted by this Hon'ble Court. I further submit that I will not repeat this sort of mistakes during my entire career and I will obey the orders of this Hon'ble Court scrupulously in future. I once again tender my unconditional apology requesting this Hon'ble Court to exonerate me for the mistake committed by me in complying with the orders of this Hon'ble Court. I submit that I have got highest regard and respect to the orders passed by this Hon'ble Court.

For the reasons stated above, it is therefore prayed that this Hon'ble Court may be pleased to close the above Contempt Case and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case".

I have carefully perused the material available on record and taken note of the conduct of 3rd respondent in implementing the orders passed by this Court. *De hors* the *ex post facto* explanation offered by the 3rd respondent, I am of the view that the case looked at from the happenings up to 15.07.2015 clearly shows that the

3rd respondent by design and choice has not implemented the order dated 18.02.2015. However, having regard to contemnor's age and long service in Government and on the assurance given by the 3rd respondent as well as the learned Government Pleader that the 3rd respondent will not repeat the present attitude in implementing the Court orders, I am not proceeding further in the contempt case. The additional counter affidavit is taken on file and the statement of unconditional apology stated by 3rd respondent is accepted.

The contempt case is closed with the above observations.

Miscellaneous petitions, if any pending, also shall stand closed.

S.V.BHATT, J

14th August, 2015
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