

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.1501 of 2015

ORDER:

This contempt case is filed complaining inaction on the part of the respondent in complying with the order of this Court dated 02.03.2015 passed in W.P.No.3241 of 2015.

Notice before admission was issued to the respondent.

In response to the notice, a counter-affidavit has been filed by the respondent on 10.08.2015 stating that the respondent had made an order on 15.05.2015 partly allowing the claim of the petitioner with respect to Sy.Nos.417, 419, 463, however, rejecting the claim with respect to the land in Sy.No.554/1 to an extent of Ac.1.60 cents on the ground that the claim of the petitioner was based only on agreement of sale, which was not regularized in terms of Section 5-A of the A.P. Rights in Land and Pattaedar Pass books Act. It was also mentioned that even as on 04.06.2014 his predecessor had made an endorsement that the petitioner could not be issued with Pattedar Passbooks with respect to Sy.No.554/1 on account of the fact that the same was alleged to have been purchased by his mother through an unregistered sale deed and the same was not regularized.

It is the specific contention of the learned counsel for the contempt petitioner that being aggrieved by the inaction on the part of the respondent, particularly, refusing to implement the order dated 04.06.2014, the petitioner approached this Court and this Court directed to consider the application of the petitioner for issuance of pattedar pass books pursuant to the order dated 04.06.2014 passed by his predecessor.

Heard the learned counsel for the petitioner and Sri A. Veeraswamy, learned counsel for the respondent.

The sum and substance of the arguments of the learned counsel for the petitioner is that the proceedings dated 15.05.2015 are antedated and there is a delay in complying with the order dated 02.03.2015, passed by this Court in W.P.No.3241 of 2015. It is the specific assertion of the petitioner that the petitioner was made to go around the office of the respondent several

times and in spite of the same, the order was not complied with and it is only after receipt of the notice in contempt case and after filing the counter, the proceedings dated 15.05.2015 are pressed into service.

Learned counsel for the petitioner submits that the petitioner being an Advocate is more concerned with the method and manner of dealing with the respondent with the Court order.

On the other hand, Sri A. Veeraswamy, learned counsel for the respondent while denying the allegations of the petitioner submits that though there is an element of delay in issuing the proceedings dated 15.05.2015, but the same is only on account of inadvertence and there is no deliberate in action on the part of the respondent and he seeks the condonation of the delay in issuing the proceedings. He further submits that the respondent-officer has offered his unconditional apologies and the same may be accepted.

This Court while disposing of the main writ petition directed the respondent to take all further steps pursuant to the order dated 04.06.2015 passed by his predecessor within a period of eight weeks. In the proceedings dated 04.06.2014, the predecessor of the respondent after conducting the enquiry had determined the entitlement of the petitioner for issuance of pattedar pass books and title deeds over an extent of Ac.2.76 cents out of Ac.5.78 cents and directed the petitioner to submit the documents like partition deed executed among the family members on a stamp paper as required under Article 40, Schedule I-A of the Indian Stamp Act and the petitioner submitted the same on 19.09.2014. Instead of complying with the said direction, the respondent in contempt case who occupied the chair of the Mandal Revenue Officer did not complete the process of issuance of the pattedar pass books stating that he does not want to implement his predecessor's order dated 04.06.2014. In those circumstances, this Court passed the order dated 02.03.2015 in the main writ petition.

A perusal of the proceedings dated 15.05.2015 which is now placed on record reads as if a fresh enquiry was conducted by the respondent and for the first time the entitlement of the petitioner for grant of patta with respect to Sy.Nos.417, 419, 463 and 464/1 was determined and with respect to Sy.No.554/1 is rejected. The proceedings dated 15.05.2015 does not refer to

his predecessor's proceedings dated 4.6.2014. In the counter-affidavit filed by the respondent, it was stated that he had informed the petitioner over phone about the order having been passed on 15.05.2015 and pattedar pass books having been issued with respect to other survey numbers except Sy.No.554/1. It is further stated in the additional counter-affidavit filed on 19.11.2015 that the petitioner had not received the order dated 15.05.2015 and the same was sent to the known address of the petitioner by registered post with acknowledgement due. Further, in the additional counter-affidavit filed by the respondent on 17.12.2015, it is stated that the proceedings dated 15.05.2015 were despatched to the petitioner through registered post with acknowledgment due on 13.11.2015 and the same were received by the petitioner on 16.11.2015. It may not be out of place to mention that the contempt case came to be filed on 7.8.2015 and the respondent had filed his counter on 18.11.2015 obviously dispatching of the proceedings dated 15.05.2015 is after the receipt of the notice in the contempt case. If there is really truth in the statement of the respondent that the proceedings dated 15.05.2015 were made as on the date on which the same is purported to have been made there would have been mention about the proceedings dated 04.06.2014. As a matter of fact, the proceedings dated 15.05.2015 itself is not required to be made as his predecessor had already determined the entitlement of the petitioner for issuance of the pattedar pass books for Sy.Nos.417, 419, 463 and 464/1 except for Sy.No.554/1 over an extent of Ac.1.60 cents. In other words, *prima facie*, there is an element of dishonesty on the part of the respondent. In that view of the matter, it cannot be said that the allegation of the petitioner that the respondent was not sincere and honest enough in implementing the orders of this Court cannot be said to be over statement. In normal circumstances, this Court would have considered punishing the respondent for the act of disobedience and making false statement on affidavit. However, considering the age of the respondent and the long service which the respondent has, this Court accepts the unconditional apology offered by him in person.

In the circumstances, the contempt case is closed with a warning that the respondent shall be more careful in dealing with his duties and

particularly in relation to the Court cases. No order as to costs.

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

CHALLA KODANDA RAM, J

Date:22.12.2015.

Js/Gk.

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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