

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

* * * *

CONTEMPT CASE No.1480 of 2013

BETWEEN

Maddasani Venkateswara Rao and another.

... PETITIONERS

AND

Sri L. Srikanth, District Collector, SPSR Nellore District and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 07.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

&

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

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

ORDER: (Per Hon'ble Sri Justice Vilas V. Afzulpurkar)

This contempt case is filed alleging violation of the orders of this Court dated 26.11.2012 in WP.No.1711 of 2009.

2. The aforesaid writ petition was filed by the petitioners on the allegation that respondents 9 and 10 therein are carrying on profession of Medical Practitioners, though they are not qualified nor authorized to practice medicine as such. During the hearing of the writ petition, on 26.11.2012, this Court took into consideration the report of the V Additional District and Sessions Judge, Nellore and the counter affidavit filed by the District Collector, respondent No.5 and disposed of the writ petition with following direction:

"It appears to us that pursuant to filing of the writ petition, the respondent authorities have taken some steps in the matter. Further more, since the matter is already before the Criminal Court and is awaiting adjudication, we think it would be proper for us at this stage, to refrain to pass any order in the matter, except directing respondent Nos.9 and 10 to file an undertaking by way of an affidavit by both of them that they will not carry on their profession as Medical Practitioners in any manner whatsoever. Such an undertaking shall be filed respondent Nos.9 and 10 before the Registrar (Judicial) within two weeks."

3. During the hearing of this contempt case, on 12.09.2014, we had directed the first respondent to file counter affidavit. Accordingly, the counter affidavit was filed but in view of averments in para 6 and 7 of the counter affidavit, this Court not being satisfied with the said counter, by order dated 31.10.2014, directed the District Collector, first respondent, to look into the matter and take necessary appropriate steps and file a report as to further steps, if any taken.

4. Today, learned Government Pleader has filed a report of the District Collector dated 26.11.2014 wherein the Collector is stated to have deputed the Joint Collector to personally visit the Kaligiri Town, in question. Accordingly, the Joint Collector personally visited the Town on 25.11.2014 and recorded the statements from the neighbours.

The Joint Collector is also stated to have personally entered into the house of respondents 5 and 6 and inspected the availability of any significant material for doing medical practice

and found no such material from dwelling houses and the neighbourers also confirmed that both of them are not doing any medical practice. It was also found that there were no name boards such as first aid clinic or Khaja Masthan Hospital at the dwelling houses of the alleged respondents

5 and 6 in Kaligiri Town.

5. Copies of the documents regarding the personal enquiry by the Joint Collector and the statements recorded by the Joint Collector are also appended to the aforesaid report and it is stated that respondents 5 and 6 are not administering medicine and not conducting operations, first aid etc. and are engaged in other avocations such as business and cultivation.

6. In view of the personal inspection by the Joint Collector and the report produced by the learned Government Pleader, we have no reason to doubt that effective steps have not been taken by the District Collector and the orders of this Court, referred to above, are not complied with.

7. We have also noted the undertaking affidavits filed by respondents 5 and 6 stating that they are not practicing medical profession anywhere. However, the learned counsel for the petitioners states that even now respondents 5 and 6 are still practicing medicine.

8. In view of the above, we give liberty to the petitioners to bring any such action viz. carrying on medical profession by respondents

5 and 6, to the notice of the District Collector whereupon the District Collector shall take necessary prompt action to ensure compliance with the order of this Court. The District Collector shall also periodically monitor the Kaligiri Town as to whether respondents 5 and 6 are allegedly practicing medical profession.

Taking note of the aforesaid report and undertakings,

the contempt case, in the circumstances, is accordingly dismissed.

The miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

T. SUNIL CHOWDARY, J

November 7, 2015

DSK