

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

Contempt Case No.2197 of 2014

-
DATED:10.02.2015

Between:

A. Deendayal Reddy,
R/o. Peruru Village,
Tirupathi Rural Mandal,
Chittoor District.

... Petitioner

And

Jagdish Chandra Sharma,
Secretary,
Revenue department,
Hyderabad and others.

....Respondents

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-
Contempt Case No. 2197 of 2014

Order: (per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

The contempt application has been taken out by the petitioner for deliberate and willful violation of our judgment and order dated 19.12.2013 by not considering his representation in terms of our judgment and order within a period of four weeks from the date of communication of this order.

Today, at the time of hearing, a document has been produced before us showing the purported compliance of our order.

It appears, though compliance has been made, but it is beyond the time stipulated by us. So, why the respondents-contemnors were sitting tight over the matter and why the order was not carried out within the time stipulated by this Court is not explained, and we do not want to spend the Court's time for small things, which would have been done in ordinary course of business.

The contempt case is closed recording the compliance. However, the State Government shall pay at the first instance, the costs of this application assessed at Rs.2,000/- (Rupees Two Thousand Only) to the petitioner within a period of fortnight from

the date of communication of this order. Thereafter, it would be open for the State Government to recover the amount of costs from the officials or staff, who are responsible for delayed compliance of the order after having enquired. The reasons for awarding costs is as follows:

Had the order been carried out within the time as stipulated by the Court or any application for extension of time has been made by the State Government for compliance, then the petitioner would not have approached the Court incurring further costs to initiate these contempt proceedings. Therefore, for the lapse of the respondents, the petitioner cannot be subjected to incurring costs. On the principle of wrong doer must pay, we awarded the costs.

The Contempt case is accordingly closed with costs as assessed above. However the petitioner would be free to take legal action consequent upon such order passed in terms of our order, if so advised.

Consequently, the miscellaneous applications, if any pending, shall also stand closed.

The registry shall communicate a copy of this order to the Chief Secretary to Government for compliance of this order and for circulation to all the officers and staff all over the State for information.

K.J. SENGUPTA, CJ

SANJAY KUMAR,
J

10th February, 2015

Pnb

