

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

SUO MOTU CONTEMPT CASE NO.304 OF 2014

DATED 1st SEPTEMBER, 2015

IN RE ...

T. Srinivas Rao,
Divisional Forest Officer,
Bellampally, Adilabad Dist.

... Respondent/ Contemnor

THE HON'BLE SRI JUSTICE SANJAY KUMAR

SUO MOTU CONTEMPT CASE NO.304 OF 2014

ORDER

This *suo motu* contempt case was initiated during the course of the hearing of Contempt Case No.1816 of 2013 which was filed alleging willful disobedience to the order dated 27.09.2013 passed by this Court in W.P.M.P.No.34863 of 2013 in W.P.No.28081 of 2013. The said contempt case was closed upon the statement made by the learned counsel for the petitioner therein that the order had been complied with, albeit with some amount of delay. However, this Court was inclined to take a serious view of the unexplained delay on the part of the respondent in complying with the order and accordingly initiated these *suo motu* contempt proceedings.

By the interim order dated 27.09.2013 passed in W.P.M.P.No.34863 of 2013 in W.P.No.28081 of 2013, this Court directed the Divisional Forest Officer, Bellampally, Adilabad District, the second respondent, to release the petitioner's seized tractor forthwith. This was the order in the context of which C.C.No.1816 of 2013 was filed. Though the seized tractor was released thereafter, leading to the closure of C.C.No.1816 of 2013, the delay in doing so led to the registration of this *suo motu* contempt case.

The contempt case was admitted on 24.02.2015 and T. Srinivas Rao, Divisional Forest Officer, Bellampally, Adilabad District, the respondent, presented himself before this Court on 27.03.2015. He also filed a counter-affidavit wherein he stated that he was entrusted with the additional charge over the Bellampally Division on 24.09.2013, while serving as the Sub-Divisional Forest Officer,

Asifabad. As the temporary in-charge, he stated that he was unable to take a decision being under the *bonafide* impression that the regular officer would resume charge and take care of the matter. He further stated that he was under the *bonafide* impression that as a vacate-stay petition had already been filed in the writ petition, release of the seized tractor would be subject to the decision upon the said petition. According to him, the order dated 27.09.2013 was received by him only on 07.10.2013 and the seized tractor was released on 31.10.2013. He unconditionally tendered his apology for the delay in implementing the order, stating that the delay was neither wanton nor deliberate but only due to inadequacy of his knowledge *vis-à-vis* legal proceedings.

On a conspectus of the aforestated facts, this Court is inclined to accept the apology tendered by the respondent. No doubt, there was some amount of delay on the part of the respondent in complying with the direction of this Court despite use of the word 'forthwith' therein. However, there is no evidence that the delay in the implementation of the order was either willful or deliberate. The authorities are bound to comply with the Court order with reasonable dispatch when directed to do so forthwith. In the present case, though there is a lapse on the part of the respondent in this regard, such lapse is not shown to be contumacious.

The apology of the respondent is accordingly accepted and the contempt case is closed. No order as to costs.

SANJAY KUMAR, J

1st SEPTEMBER, 2015

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