

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

CONTEMPT CASE No.1644 OF 2014

Between:

The Indigenous Churches in India Trust,
Hebron Church, Golconda Cross Roads,
Hyderabad, rep. by its Trustee, Bro. FCS Peter .. Petitioner

and

Bro. B. Timothy and others .. Respondents

DATE OF JUDGMENT PRONOUNCEMENT : 7th OCTOBER, 2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

1. Whether Reporters of Local newspapers may be allowed to see the judgment? Yes/No
2. Whether copies of the judgment may be marked to Law Reporters/Journals Yes/No
3. Whether His Lordship wishes to see the fair copy of the judgment? Yes/No

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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CONTEMPT CASE No.1644 OF 2014

ORDER

This contempt case was instituted alleging willful and deliberate disobedience to the order dated 03.10.2013 passed by this Court in WPMP No.35197 of 2013 in W.P.No.28349 of 2013. The said order reads as under:

‘In the light of the orders passed by this Court to the contrary, the impugned letter dated 20.09.2013 shall stand suspended.’

The letter dated 20.09.2013, impugned in the writ petition, was addressed by the District Registrar, Registrar of Societies, Hyderabad, to one Matta Peter (Pastor), Bethlehem Prayer House, Challapalli, Krishna District, and states thus:

‘With reference to your letter cited above, I am to inform you that, as per our

records the society of Trustees of Indigenous Church in India, Registration No.114/1971, is not dissolved by any court, no resolutions of dissolution are received by this office.'

Interim suspension of the letter dated 20.09.2013 was ordered by this Court in the light of the earlier orders passed by this Court which were to the contrary. Under the impugned letter dated 20.09.2013, the District Registrar, Registrar of Societies, Hyderabad, stated that as per his records the Society of Trustees of Indigenous Churches in India was not dissolved. This intimation was contrary to the final order dated 24.06.2009 passed by this Court in W.P.No.16430 of 2008. The said writ petition was filed by the petitioner herein and others assailing the action of the Registrar of Societies, Office of the Commissioner and Inspector General of Registration and Stamps, Hyderabad, in declaring that the Society of Trustees of Indigenous Churches in India was in vogue, under his letter dated 19.02.2008. A learned Judge of this Court passed the final order dated 24.06.2009 therein holding that dissolution of the Society of Trustees of Indigenous Churches in India had been formalized in accordance with law and therefore, the said society stood dissolved so far as the Registrar of Societies, Hyderabad, was concerned. The letter dated 19.02.2008 addressed by the Registrar of Societies, Hyderabad, stating that the Society of Trustees of Indigenous Churches in India was in vogue was therefore held to be based on fallacious interpretation of law and upon a misconstruction of the role of the Registrar of Societies, Hyderabad, in the matter of dissolution of a society registered under the Andhra Pradesh Societies Registration Act, 2001. The learned Judge ultimately held that though there was no infirmity in the conduct of the Registrar of Societies, Hyderabad, in addressing the letter dated 19.02.2008, the information in the said letter that the Society of Trustees of Indigenous Churches in India was in vogue was erroneous.

Notwithstanding the aforesaid judgment, under the impugned letter dated 20.09.2013, the District Registrar, Registrar of Societies, Hyderabad, again stated that the Society of Trustees of Indigenous Churches in India was not dissolved. Taking into account the final order passed in W.P.No.16430 of 2008, this Court suspended the letter dated 20.09.2013.

While so, this contempt case was filed by the petitioner in W.P.No.28349 of 2013 against seven individuals who were not parties to the writ petition. However, taking a

cue from the law laid down by a Division Bench of this Court in ***SPECIAL DEPUTY COLLECTOR (L.A.), SRBC, NANDYAL V/s. N.VASUDEVA RAO*** that not only a party to the proceeding but also a stranger having knowledge of the order, if he is found to have aided or abetted the violation of the order, would be liable for punishment either for civil or criminal contempt, this Court overruled the objection taken by the Registry in this regard and directed the contempt case to be numbered and listed for admission.

Heard Sri S.Ramachandra Rao, learned senior counsel appearing for the petitioner, and Sri C.V.Mohan Reddy, learned senior counsel appearing for the respondents.

Sri S.Ramachandra Rao, learned senior counsel, contended that despite dissolution of the Society of Trustees of Indigenous Churches in India, the respondents herein were continuing to act as if the said society was still in existence. Learned senior counsel asserted that the respondents were addressing various letters in the capacity of office bearers of the said society and were masquerading as if they were authorized to act on its behalf. He therefore contended that these actions on their part would constitute willful and deliberate disobedience to the order passed by this Court.

On the contrary, Sri C.V.Mohan Reddy, learned senior counsel, would contend that the contempt case is misconceived and that the order passed by this Court has no relation to the acts of the respondents. He further stated that the letter dated 20.09.2013, which was suspended by this Court, was thereafter withdrawn on 02.07.2014, which action was independently challenged before this Court by way of another writ petition, wherein interim orders were passed. So far as the order dated 24.06.2009 in W.P.No.16430 of 2008 is concerned, learned senior counsel informed this Court that Writ Appeal No.1289 of 2009 was filed against the same and *status quo* orders were passed therein on 09.11.2010.

It is an admitted fact that civil litigation is also pending between the parties.

The question that falls for consideration presently is whether the acts of the respondents herein, professing to be office bearers of the Society of Trustees of Indigenous Churches in India and initiating various measures on its behalf, would constitute disobedience to the order dated 03.10.2013 passed by this Court and if so, whether such disobedience would qualify as willful and deliberate disobedience bringing it within the ambit of Section 2(b) of the Contempt of Courts Act, 1971 (for

brevity, 'the Act of 1971').

Though impassioned and contentious arguments were advanced by both the learned senior counsel, this Court is of the opinion that the *lis* between the parties does not fall within the scope of this contempt case and the same cannot be resolved by this Court in exercise of contempt jurisdiction. The only issue that needs to be addressed in this contempt case is whether the respondents have willfully and deliberately violated the order dated 03.10.2010 passed by this Court in WPMP No.35197 of 2013 in W.P.No.28349 of 2013. By the said order, this Court merely suspended the intimation given by the District Registrar, Registrar of Societies, Hyderabad, to the effect that the Society of Trustees of Indigenous Churches in India was not dissolved. The order operated only against the Registrar of Societies, Hyderabad, in stating a fact contrary to the final order dated 24.06.2009 passed by this Court in W.P.No.16430 of 2008.

Pertinently, the order passed in W.P.No.16430 of 2008 was not suspended in appeal in W.A.No.1289 of 2009 and only *status quo* was directed to be maintained. The finding recorded by the learned Judge in the order passed in W.P.No.16430 of 2008 that the society stood dissolved in so far as the Registrar of Societies was concerned therefore continued to operate against him and he could not have stated to the contrary so long as such finding remained undisturbed.

By the interim order dated 03.10.2010, this Court did not interdict any private parties from professing that the society continued to exist. This aspect did not arise at all in the writ petition and in consequence, it could not be the import of the order dated 03.10.2010. Stretching the language of the said order to such an extent would not be permissible, as in exercise of writ jurisdiction this Court would normally not grant interim directions against private persons, even if they are parties to the case. When such a blanket direction was not within the scope of the writ petition, such meaning cannot be imparted to the interim order dated 03.10.2010 which only operated against the Registrar of Societies, Hyderabad.

The observations in ***N.VASUDEVA RAO***¹ are also of guidance in this regard. It was held therein that a third party who aided or abetted the violation of the order would alone be liable for contempt. Had any of the respondents herein, having knowledge of the interim order dated 03.10.2010, still prevailed upon the Registrar of Societies to issue a proceeding or act in violation of the said order, by purporting

to recognize the existence of the Society of Trustees of Indigenous Churches in India, it would qualify as an act in aid of or abetting the commission of contempt of this Court's order. However, all the letters addressed by the respondents herein, which are placed on record, were addressed to other private parties and there is no attempt on their part to influence the Registrar of Societies, Hyderabad, to act in violation of the order passed by this Court.

This Court therefore finds that no cause is established warranting exercise of jurisdiction under the Contempt of Courts Act, 1971. The contempt case is accordingly dismissed. No order as to costs.

SANJAY KUMAR, J

7th OCTOBER, 2015

PGS