

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.C.No.1267 of 2015

ORDER:

This Contempt Case is filed alleging that proceedings dt.25-06-2015 in F1/125/2014-2015 of 1st respondent amount to willful disobedience of the common order dt.02-09-2014 in W.P.No.15034 of 2014 and batch.

2. The petitioner herein was 3rd respondent in W.P.No.15039 of 2014. His election as councilor of 2nd ward of Kamareddy Municipality was questioned by 3rd respondent herein in W.P.No.15035 of 2014 on the ground that he had incurred disqualification under Section 13-B of the AP Municipalities Act, 1965 and that he had three children by the date of holding elections for the post of Ward Councilor of the said Municipality.
3. This Court had disposed of those writ petitions by the above common order directing the Commissioner of the Kamareddy Municipality to act under Section 17-1 (b) of the said Act and take action to give intimation of the allegation made against petitioner herein to the petitioner and also place the matter before the Municipal Council of the Kamareddy Municipality.
4. It is not disputed that this has been done and that at the direction of the Municipal Council, Kamareddy Municipality, election O.P.No.155 of 2014 has been filed before the Additional District Judge at Kamareddy, Nizamabad District by the Municipal Council through the Commissioner of Kamareddy Municipality.
5. Learned counsel for the petitioner states that thereafter, 1st

respondent who is the Commissioner of Kamareddy Municipality had issued impugned proceedings canceling Birth Certificate issued to the petitioner at the direction of the District Collector, Nizamabad in respect of his third child K.Rajesh Kumar. He contends that the very exercise of this power to cancel the Birth Certificate is contrary to principles of natural justice and such power could not be exercised on the instructions of the District Collector, Nizamabad.

6. Assuming for the sake of argument that these contentions are valid, it cannot be said that by passing the order dt.25-06-2015, 1st respondent had willfully and deliberately violated the order passed by this Court on 02-09-2014 in W.P.No.15034 of 2014 and batch. The petitioner is at liberty to question the proceedings dt.25-06-2015 by way of a Writ Petition or any other proceedings raising all contentions upon to him at law.
7. Giving liberty to the petitioner as above, this Contempt Case is rejected on the ground that there is no willful or deliberate violation of the above order passed by this Court. No costs.
8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 06-10-2015

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