

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

C.C.No.1043 of 2015

ORDER:

Heard Sri N.V.Ramanujam, learned counsel for the petitioners and Sri Sharat Kumar Special Government Pleader for Sri V.Satyam Reddy, learned Standing Counsel for the respondent.

2. This Contempt Case has been filed alleging non-implementation and willful disobedience of the order dt.30.01.2015 in W.P.No.28857 of 2014.
3. The said Writ petition was allowed by this Court directing the respondent along with the Government of Telangana to initiate proceedings under Section 147 of the Greater Hyderabad Municipal Corporation Act, 1955 in accordance with the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for acquisition of the entire land of the petitioners for 'open space'/park and pay compensation to the petitioners. It was further directed that the requisition for the said purpose should be sent by the respondent herein to the State of Telangana, Department of Municipal Administration within a period of two (02) weeks from the date of receipt of copy of this order and the State of Telangana should initiate the process for acquisition within a period of one month thereafter and conclude the same within a period of three months.
4. Counsel for the petitioner states that copy of the order dt.30.01.2015 in W.P.No.28857 of 2014 was sent to the respondent by post and it was received by the respondent on 11.02.2015. This was not disputed by respondent.

5. Counter affidavit has been filed by the respondent stating that a Writ Appeal SR.No.76697 of 2015 has been filed against the order passed in the Writ Petition with a petition to condone the delay in filing it. Certain averments were made in the counter affidavit on the merits of the case. No where in the counter affidavit has the respondent explained why he could not carry out the order dt.30-01-2015 in W.P.No.28857 of 2014.
6. It is settled law that mere filing of a Writ Appeal does not operate as a stay of the order passed in the Writ Petition. Also a respondent in the contempt case is not permitted to question the correctness of the order passed in the Writ petition by way of a counter in the contempt case or question it's correctness.
7. I am therefore of the opinion that the respondent has willfully disobeyed the order dt.30-01-2015 in W.P.No.28857 of 2014.
8. Therefore, this Contempt Case is allowed and the respondent is sentenced to two months' simple imprisonment and fine of Rs.1500/-. (Rupees One thousand and Five hundred only). The petitioners shall deposit subsistence allowance @ Rs.250/- per day within two weeks from the date of receipt of a copy of this order. This order is kept in abeyance for a period of four weeks from today.
9. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 03-12-2015

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