

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

HON'BLE SRI JUSTICE S. RAVI KUMAR

LETTERS PATENT APPEAL No.2 of 2011

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Date:15-07-2015

Between:

Shaik Mastan Vali

..... Petitioner.

AND

District Collector, Kadapa District,
Kadapa and others.

.....Respondents.

The Court made the following :

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

LETTERS PATENT APPEAL No.2 of 2011

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JUDGMENT: (Per Hon'ble Sri Justice Ramesh Ranganathan)

This appeal under Clause 15 of the Letters Patent is preferred against the order passed in C.C.No.1062/2010 dated 02-09-2011. The petitioner herein filed W.P.No.123/2010 and, by way of an interim order dated 06-01-2010, the parties were directed to maintain *status-quo* with regards construction on the land in question.

Alleging that the 4th respondent had violated the aforesaid *status-quo* order passed by this Court, the petitioner in W.P.No.123/2010 filed C.C.No.1062/2010. In the order under appeal, the learned Single Judge noted the contents of the counter affidavit of the 4th respondent, including that she had made constructions prior to the passing of the *status-quo*

order by the Court and, immediately, when she was informed by her Advocate about the *status-quo* order, she had stopped construction.

The Learned Single Judge held that, having regard to the counter averments, there was no need to proceed further and, accordingly, closed the contempt case.

Before us Sri M. Karuna Sagar, learned counsel for the petitioner, would place reliance on a Division Bench Judgment of this Court in **B.R. Meena, Vice-Chairman and Commissioner, A.P. Housing Board v. T. Bajrang**^[1] to contend that an appeal, under Clause 15 of the Letters Patent, is maintainable against the order of the learned Single Judge dismissing/closing the contempt case.

In **B. R. Meena**¹, the Division Bench noted that the learned Single Judge had, in the contempt case filed by the respondent therein, examined the issue on merits; and had issued several directions to the appellant. It is in such circumstances that the Division Bench, relying on the judgment of the Supreme Court in **J.S. Parihar v. Ganpat Duggar**^[2]; and **Midnapore Peoples' Co-op. Bank Ltd. V. Chunilal Nanda**^[3], held that where the High Court, for whatever reasons, decides an issue or makes any direction relating to the merits of the dispute between the parties, in contempt proceedings, the aggrieved person is entitled to challenge it in an intra-court appeal (if the order is that a learned Single Judge and there is a provision for an intra-court appeal). The law declared by the Supreme Court and the Division Bench, in the aforesaid judgments, is that an aggrieved person is entitled to prefer an appeal, under Clause 15 of the Letters Patent, in cases where the learned Single Judge has, in a contempt case, decided the issue on merits or has passed directions which go beyond the scope of the contempt proceedings. In the present case no such directions have been issued by the learned Single Judge.

The jurisdiction exercised by the Court, in proceedings under the

Contempt of Courts Act, is limited to an enquiry whether the order, violation of which is alleged in the contempt case, has in fact been violated and, if so, whether the violation is willful and deliberate. It is only on the Court coming to the conclusion that there is willful violation of its order, would it then proceed to consider whether or not punishment should be imposed and, if so, the nature and extent of punishment to be imposed on the contemnor.

In contempt proceedings the petitioner is merely an informant.

On his bringing to the notice of the Court that its order has been violated, the Court would take action against the contemnor to uphold the majesty of the law. If the Court finds that no action need be taken under the Contempt of Courts Act, the matters rest there.

The petitioner, in the contempt case, cannot be said to be aggrieved thereby enabling him to file an appeal under Clause 15 of the Letters Patent. We see no reason, therefore, to entertain this appeal under Clause 15 of the Letters Patent.

Sri M. Karuna Sagar, learned counsel for the appellant, would submit that the 4th respondent had filed two contradictory counter affidavits which show that the averments, in at least one of them, is false. We see no reason to examine this contention in the present proceedings which is an appeal against an order passed by the learned Single Judge closing the contempt case. It is made clear that dismissal of this appeal would not disable the petitioner from availing his remedies; and to take action against the fourth respondent for his allegedly filing false affidavits in Court.

The appeal is, therefore, dismissed.

JUSTICE RAMESH RANGANATHAN

JUSTICE S. RAVI KUMAR

Date:15-07-2015

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[\[1\]](#) 2011 (4) ALT 709 (D.B.)

[\[2\]](#) AIR 1997 SC 113

[\[3\]](#) 2007 (1) ALT 54 (DN SC)