

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CONTEMPT CASE NO.262 OF 2015

DATED:18-9-2015

Between:

Tanneeru Rama Kotaiah ... Petitioner

And

M. Srinivasa Rao

and another ... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. K. Bheem Singh,

for Mr. M. Brahma Reddy

COUNSEL FOR THE RESPONDENTS: A.G.P. for Civil Supplies (AP)

THE COURT MADE THE FOLLOWING:

ORDER:

-

This contempt case is filed alleging wilful disobedience of order dt.16.12.2014 in W.P. No.38568 of 2014.

This Court by the above mentioned order quashed panchanama dt.12.12.2014 on finding that the alleged excess stock of 93 kgs. out of 51.98 quintals of Public Distribution System (PDS) rice, which is well within the permissible variation, cannot constitute a ground for initiation of any action.

The grievance of the petitioner is that despite the said order the respondents have withheld to supply all essential commodities for the Month of February, 2015 to the petitioner.

Respondent No.2 filed a counter affidavit wherein he has *inter alia* stated that in pursuance of the order of this court supply of essential commodities was resumed from January, 2015, that due to ill-health of the petitioner, he did not lift the essential commodities and that from the Month of March, 2015 allotments are being regularly made.

Learned counsel for the petitioner submitted that the respondents have been harassing the petitioner under political influence and that withholding of essential commodities for the Month of February, 2015 is due to the said reason only and not on account of failure of the petitioner to lift the essential commodities.

Respondent No.1 has come to the adverse notice of this Court in more than one case. A contempt case wherein serious allegations have been made against him and his subordinate Tahsildar, is pending consideration before this Court. His conduct over a period suggests that he along with his subordinates have been foisting cases against fair price shop dealers due to external pressure. The very fact that in the instant case action was sought to be taken on the alleged excess of 93 kgs. out of 51.98 quintals of PDS rice itself would show that the respondents have been acting for extraneous reasons. Therefore, this Court is not prepared to believe the statement of respondent No.2 that due to the petitioner's ill-health he has not lifted the essential commodities. It is not the pleaded case of the respondents that they have issued any notice to the petitioner for not lifting the essential commodities during the said month. Having discontinued supplies from February, 2015, the respondents have resumed supplies obviously on coming to known that this contempt case was filed on 16.2.2015. Based on this conduct of the respondents, the plea of the petitioner that he is being harassed, is worthy of acceptance. However, as the respondents have resumed supplies from March, 2015, this Court is inclined to take a lenient view and close the contempt case with a warning to the respondents not to indulge in the acts of harassment or foisting of false cases against the petitioner in future.

The contempt case is accordingly closed.

As a sequel to disposal of the contempt case, Application No.155 of 2015 shall stand disposed of as infructuous.

---

C.V. NAGARJUNA REDDY, J

18-9-2015

bnr