

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

CONTEMPT CASE No.46 OF 2015

ORDER:

This Contempt Case is filed alleging violation of the orders dated 02.04.2014 passed by this Court in WP.MP.No.29850 of 2013 in WP.No.24250 of 2013, wherein this Court directed the respondents to dispose of the representation of the petitioners dated 22.06.2013.

According to petitioners the said order is not implemented and no orders are passed on the representation of the petitioners.

The 3rd respondent filed counter on behalf of the 4th respondent stating that he met with an accident and hospitalized and was on leave till 20th March, 2014 and again he joined NRI hospital in the month of May and underwent operation to his brain and was on leave till June, 2014. It is stated that he saw the notice of this Court and also order dated 02.04.2014 in the month of June, 2014 and thereafter gone through the representation of the petitioner and made an application to the surveyor on 01.10.2014 along with fee, later he again went on leave due to ill-health from November, 2014 to April, 2015 and again joined duty on 06.04.2015. Thereafter he once again paid four challans for conducting survey and basing on the same the surveyor surveyed two tanks by name Gogullamma Cheruvu and Devanna Cheruvu. It is further submitted that all these issues were within the knowledge of the petitioner society and in fact he has addressed letters dated 13.04.2015, 28.04.2015 and 13.05.2015 to the petitioner society informing about the action that has been taken by him pursuant to the representation dated 22.06.2013, as such, the petitioner society cannot say that he has not acted on their representation and also cannot say that he has violated the orders of this Court deliberately. He also filed the copies of the letters dated 13.04.2014, 28.04.2015 and 13.05.2015 along with the counter.

A perusal of the FIR dated 10.05.2015, medical record and leave proceedings dated 27.04.2015 of the 3rd respondent shows that the 3rd respondent met with an accident and took treatment by applying long leave. Copies of correspondence dated 13.04.2015, 28.04.2015 and 13.05.2015 goes to show that he took steps for implementing the orders passed by this Court and the petitioner was also informed on the same. In view of the above, it cannot be said that the 3rd respondent committed wilful violation of the orders passed by this Court.

Accordingly, the Contempt case is closed. However, it is open for the petitioner to agitate their rights in the main writ petition. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the contempt case, shall stand closed.

A.RAJASHEKER REDDY, J

27.11.2015

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