THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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CONTEMPT CASE No.1699 of 2013

ORDER:

The order, violation of which is alleged in this Contempt Case, is the order passed by this Court in W.P.No.8336 of 2013 dated 15.04.2013 whereby respondents 1 to 3 were directed to examine the petitioners' eligibility for grant of house sites; and, thereafter, to consider the cases of those who are eligible, along with all other eligible candidates, for grant of house sites under the 'Indiramma Housing Scheme'. The respondents were directed to complete the entire exercise, culminating in an order being passed and communicated to the petitioners, within a period of four months from the date of receipt of a copy of this order.

In the counter-affidavit filed by the third respondent it is stated that a detailed enquiry was taken up to decide the eligibility for grant of house sites; the enquiry revealed that 24 of the petitioners were found eligible for grant of house sites, and the remaining 42 were found ineligible as they were non-residents of Nellore, having their own houses and hailing from above poverty line; after completion of enquiry, information regarding the eligibility of the petitioners for grant of house sites, under the 'Indiramma Housing Programme Phase-II', was communicated to each of the petitioners vide proceedings dated 23.10.2013 by registered post with acknowledgment due on 25.10.2013; the petitioners were informed that the 24 eligible persons would be granted house sites along with others found eligible; and the order of this Court has been complied with.

Sri C.Masthan Naidu, learned counsel for the petitioners, would submit that merely declaring 24 of the petitioners as being eligible would not suffice, and the respondents were required to provide them house sites. This submission of the learned counsel, considering the fact that 24 petitioners were found eligible as they were below the poverty line, has considerable force. The fact, however, remains that the jurisdiction which this Court exercises, under

the Contempt of Courts Act, 1971, is limited; and it is only when there is a wilful and deliberate violation of the order, can action be taken under the Contempt of Courts Act. The order of this Court merely required the respondents to consider the eligibility of the petitioners and, thereafter, pass a reasoned order. As such an order has been passed, failure on the part of the respondents, or any delay on their part, in providing house sites to those petitioners, who were found eligible, can only be examined in independent proceedings, and not in proceedings under the Contempt of Courts Act. The apprehension expressed by Sri C.Masthan Naidu, learned counsel for the petitioners, that dismissal/closure of the Contempt Case may be construed as disabling the petitioners from availing their remedies in law, is unfounded. It is always open to the petitioners to question the validity of the proceedings dated 23.10.2013, as also the inaction of the respondents in providing house sites to those found eligible, in independent legal proceedings. The dismissal of or closure of the Contempt Case would not preclude them from availing such remedies.

The Contempt Case is, accordingly, closed. Miscellaneous petitions pending, if any, shall also stand closed. There shall be no order as to costs.

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RAMESH RANGANATHAN, J

09th October, 2015.

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