

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

CONTEMPT CASE NO.1856 OF 2013

DATED 1st SEPTEMBER, 2015

Between

G. Chakrapani

... Petitioner

and

T. Srinivas Rao

... Respondent

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE NO.1856 OF 2013

ORDER

This contempt case was instituted alleging willful disobedience to the order dated 27.09.2013 passed by this Court in W.P.M.P.No.34862 of 2013 in W.P.No.28081 of 2013. By the said order, this Court granted interim stay of all further proceedings pursuant to the show-cause notice dated 12.09.2013 issued by the Divisional Forest Officer, Bellampally, Adilabad District. Despite the said order, the Divisional Forest Officer, Bellampally, issued consequential show-cause notice dated 11.10.2013 calling upon the petitioner to show cause as to why his tractor should not be confiscated. Significantly, this was the subject matter of the earlier show-cause notice dated 12.09.2013. Alleging that the issuance of this second show-cause notice constituted willful disobedience, the petitioner filed this contempt case.

The Divisional Forest Officer (FAC), Bellampally, Adilabad District, the respondent, filed a counter-affidavit wherein he addressed the merits of the petitioner's case in the writ petition. As he had failed to answer the allegation that he had committed civil contempt in terms of Section 2(b) of the Contempt Courts Act, 1971, he was permitted to file an additional affidavit. He thereupon filed an additional affidavit in February, 2014, wherein he stated that he was originally the Sub-Divisional Forest Officer at Asifabad and was made incharge of three offices, viz., ACF, Bellampally, DFO, Bellampally, and Sub-Divisional Forest Officer, Asifabad. As regards the issuance of the second show- cause notice dated 11.10.2013, he stated that he had done so inadvertently and that

the mistake committed by him in this regard was unintentional. He tendered his unconditional apology therefor and assured this Court that he would be more careful in future while discharging his duties. He further stated that during the 27 years of his service, he had never been hauled up for violating Court orders.

Sri G. Madhusudhan Reddy, learned counsel for the petitioner, informed this Court that the subsequent show-cause notice was independently challenged before this Court and the same has been suspended.

The only question that remains for consideration is whether the act of the respondent in issuing the second show-cause notice constitutes an act of contempt warranting action under the Contempt of Courts Act, 1971.

As the petitioner has stated that the issuance of the second show-cause notice was by inadvertence and he unconditionally apologized for committing this mistake, this Court finds no reason to infer any willful or deliberate intent on his part to disobey the order passed by this Court staying further proceedings pursuant to the first show- cause notice.

The respondent would however be well advised to be more careful in future while dealing with Court orders as such inadvertent mistakes on his part may prove dear to him. The unconditional apology tendered by him is accordingly accepted and the contempt case is closed. There shall be no order as to costs.

SANJAY KUMAR, J

1st SEPTEMBER, 2015

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