

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Contempt Case No. 277 OF 2015

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ORDER :
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This Contempt Case is filed alleging violation of the orders passed by this Court dated 17.05.2012 in W.P.M.P.No.19625 of 2012 in W.P.No.15219 of 2012 wherein the respondents are directed not to dispossess the petitioners till the auction of leasehold rights in respect of Ac.14.01 cs is conducted subject to the petitioners depositing Rs.1,00,000/- per annum. Arrears, if any, at the rate indicated shall be paid within six (6) weeks from that day.

2. It is the case of the petitioners that the 3rd respondent issued notice dated 30.12.2014 demanding for payment of Rs.3,00,000/- and Rs.1,08,000/- towards arrears of rent and demanded for payment of Rs.4,08,000/- within one week by endorsing copies to the Deputy Commissioner, i.e., 2nd respondent as well as Assistant Commissioner i.e., 1st respondent. The petitioners paid the said amount by way of Demand Draft on 05.01.2015 drawn on Bank of India, Kakinada Branch and also brought to the notice that the writ petition is pending before this Court. Again on 09.01.2015, the 3rd respondent in the writ petition has given another letter stating that the total amount comes to Rs.2,16,000 and the balance amount of Rs.1,08,000/- has to be paid by the petitioners and in the said letter, the 3rd respondent accepted the receipt of an amount of Rs.4,08,000/- paid by the petitioners. It is stated that after receipt of the said letter, the petitioners paid an amount of Rs.1,08,000/- to the 3rd respondent in the writ petition by way of demand draft and that the copy of the said letter was also sent to the respondents 1 and 2. Even after receipt of the said amount, the respondents have taken forcible possession of the property from the petitioner, as such, present Contempt Case is filed.

3. Counter affidavit is filed by the respondents 1 and 2 stating that petitioners themselves have not paid the entire amount as ordered by this Court in the order dated 17.05.2012 in WPMP No.19625 of 2012 in WP No.15219 of 2012 and that the petitioners themselves have not complied with the aforesaid interim order. That the petitioners are evicted on 02.02.2015 and the 3rd respondent in the writ petition has not communicated whether the petitioners have paid amounts or not up to 03.02.2015. Since the amount has not been paid within six (6) weeks from the date of the interim order dated 17.05.2012, the respondents have executed eviction orders.

4. No reply is filed disputing the contents of the counter affidavits filed by the respondents 1 and 2.

5. Heard learned counsel for the petitioners as well as learned Government Pleader for respondents 1 and 2.

6. If the petitioner had paid the amounts within the stipulated time imposed by this Court in the interim order dated 17.05.2012 in W.P.M.P.No.19625 of 2012 in W.P.No.15219 of 2012, they should have informed the same to the first and second respondents immediately, but now the first and second respondents specifically states that the amounts are not paid within six weeks and communication has been received from the first respondent only after the petitioners were evicted and no reply affidavit was filed contradicting the contents in the counter affidavits filed by the first and second respondents. If the petitioners had really paid the amounts as ordered in the interim order dated 17.05.2012, within the stipulated time, nothing prevented them from producing a copy of the same before the first and second respondents immediately. Since the Contempt Proceedings are quasi criminal in nature and unless petitioners are able to prove that the respondents have violated the orders passed by this Court willfully, no proceedings under Contempt Case can be initiated.

In view of the above facts and circumstances, I do not see any

merit in the Contempt Case as the petitioners have not established that they have paid the amount as ordered by this Court in the interim order dated 17.05.2012 in WPMP No.19625 of 2012 in W.P.No.15219 of 2012.

Accordingly, the Contempt Case is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any pending in this Contempt Case, shall stand dismissed.

A.RAJASHEKER REDDY, J

22.06.2015.
KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

C.C. No.277 OF 2015

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Date: 22-06-2015

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