

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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CONTEMPT CASE No.110 of 2014

ORDER:

The order, violation of which is alleged in the present Contempt Case, is the order passed in W.P.No.23629 of 2013 dated 20.08.2013 whereby the District Panchayat Officer (second respondent therein) was directed to consider the appeals preferred by the petitioner in accordance with law; and pass an order thereupon at the earliest, in any event not later than three months from the date of receipt of a copy of the order.

While the learned Government Pleader for Panchayat Raj would contend that the petitioner had made available a copy of the order, along with their representation only on 31.10.2013,

Sri Nandigam Krishna Rao, learned counsel for the petitioner, would draw attention of this Court to the counter-affidavit to submit that a copy of the order was received by the respondent on 03.09.2013. Even if 03.09.2013 were to be taken as the date on which a copy of the order was received, the three month period, stipulated by this Court, would have expired only on 02.12.2013. In the interregnum, the Gram Panchayat was merged with the Warangal Municipal Corporation, and the second respondent claims to have informed the petitioner, by letter dated 01.11.2013, that he should approach the Warangal Municipal Corporation.

Sri Nandigam Krishna Rao, learned counsel for the petitioner, would submit that the second respondent continues to exercise jurisdiction, as the tax sought to be levied is under the Panchayat Raj Act and not under the Municipal Corporations Act.

The jurisdiction, which this Court exercises under the Contempt of Courts Act, 1971, is limited to an examination of the questions as to whether the order of this Court has been violated and, if so, whether such violation is wilful and deliberate. It is only if the violation is held to be willful and deliberate, can this Court proceed and punish the respondent under the Contempt of Courts Act.

While the failure to comply with the order of this Court is no doubt a violation, such failure is on account of the Gram Panchayat having merged

with the Warangal Municipal Corporation, and the Gram Panchayat having ceased to remain in existence thereafter. In such circumstances, the second respondent cannot be said to have wilfully and deliberately violated the order of this Court justifying punishment being imposed on him under the Contempt of Courts Act. I see no reason, therefore, to proceed against the respondents under the Contempt of Courts Act.

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

RAMESH RANGANATHAN, J

04th March, 2016.

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