

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CONTEMPT CASE No.2136 of 2016

ORDER:

Vide the present petition, the petitioner seeks direction thereby to punish the respondent/contemnor under the provisions of Contempt of Courts Act for violation of directions dated 23.08.2016 whereby this Court directed the respondent to consider the application dated 02.03.2016 made by the petitioner and pass appropriate orders thereon in accordance with law, within a period of two weeks from the date of receipt of a copy of aforesaid order.

As stated by the learned counsel for the petitioner that the petitioner received copy of order of this Court in W.P.No.14957 of 2016, dated 23.8.2016 on 6.9.2016. Immediately, the petitioner approached the respondent office and the said respondent did not give permission to meet him. Again on 07.9.2016 the petitioner went to the office of the respondent with a request to pass appropriate orders as per the directions of this Court. But the respondent did not give any heed to his request and moreover said that until court order is received, no order would be passed. Thereafter, the petitioner sent the order dated 23.8.2016 to the respondent through registered post with acknowledgment due on 08.09.2016 and the same was received by the respondent on 09.09.2016.

The petitioner made aware to the respondent that the accused (Bollampally Narasimha Reddy & Bollampally Sulochana Reddy, who are A.2 & A.3 in CC No.1200 of 2015 on

the file of XX Metropolitan Magistrate, Cyberabad at Malkajgiri) are planning to leave country and as such requested to take all necessary steps immediately. Since no steps have been taken by the respondent, Bollampalli Sulochana Reddy left the country on 10.9.2016.

Accordingly, vide order dated 21.11.2016, a show cause notice was issued as to why contempt proceedings shall not be initiated against the respondent/contemnor for disobeying the orders of this Court dated 23.8.2016 in WP No.14957 of 2016. The respondent shall also be directed to file affidavit therein and shall personally remain present in the court on 29.11.2016 at 10.30 a.m.

Consequently, the respondent appeared before this Court and filed affidavit, whereby admitted that the letter dated 02.03.2016 of the petitioner was received regarding impounding of passports bearing Nos.H067764, dated 15.9.2008 and HO677314, dated 12.09.2008 of Bollampally Narasimha Reddy and Smt Bollampalli Sulochana Reddy respectively. Accordingly, by following due procedure laid down under Passport Manual Rule 4(d), the respondent office had issued show cause notices vide letter No.30 (330) POL/2015 dated 24.06.2016 to the above named two persons and they filed reply to the show cause notices on 01.07.2016.

Since the respondent has not been taken any decision after receiving reply to the show cause notices on 01.07.2016, the petitioner compelled to file Writ Petition No.14957 of 2016 before this Court. Vide order dated 23.8.2016, this Court disposed of the writ petition with a direction to dispose of the

representation of the petitioner dated 02.03.2016, within a period of two weeks as per law from the date of receipt of a copy of that order.

It is an admitted fact that as stated in para-5 of the affidavit filed by the respondent/contemnor that the respondent office has received the orders of this Court dated 23.8.2016 on 06.09.2016. Consequently, the respondent office again issued show cause notice vide letter No.30 (330) POL/2015 dated 15.09.2016 to the above named two persons and a copy of the letter was also forwarded to the petitioner. Thereafter, reply letters dated 23.9.2016 were received from the above two named persons, wherein, they were requested that they were suffering with viral fever, not in a position to move from bed and they were also not well versed with law. Moreover, they are not in a position to submit their explanations without taking legal assistance and requested to grant 10 days time to submit their explanations.

As there was no response, the respondent office again issued show cause notices to the above named persons vide letter dated 03.10.2016. To which, explanation letters dated 21.10.2016 were received. After not satisfying with the explanations submitted by the above named two persons, the respondent office impounded passports bearing numbers noted above, and the same was intimated to the petitioner, vide letter dated 03.11.2016.

It is pertinent to mention here that as per **Section 10** of the **Passports Act, 1967** the respondent is empowered to

impound or cancel the travel documents/passport, if criminal proceedings are pending against the passport holder.

However, despite representation dated 02.03.2016, and even after receiving the reply to the show cause notices on 01.07.2016, the respondent office did not take any decision. Moreover, despite to the knowledge that the criminal proceedings are pending against those above named persons, no action was taken, it shows the carelessness and callousness on the part of the respondent and its office, who do not do their work properly and timely, because of that, the petitioner was compelled to file petition before this court. Though the respondent was supposed to take decision on the representation immediately after the receipt of reply to the show cause notices on 01.07.2016, but after passing the order by this court, the respondent should have woke up and should have taken the immediate steps required under law.

Thus, the respondent has failed on both counts by not taking decision after receipt of the reply of the first hour notice and not taking prompt action after passing the order by this Court despite order of the copy received in the office of the respondent on 09.09.2016 by registered post duly acknowledged by the office of the respondent. However, Bollamapally Sulochana Reddy, one of the accused, left the country on 10.9.2016, though this court directed the respondent to dispose of the representation of the petitioner within 15 days from the date of receipt of a copy of that order.

If it is presumed that the order received on 09.09.2016 as stated by the learned counsel for the petitioner, then the

respondent was supposed to dispose of the representation by 24.09.2016. However, Bollampally Sulochana Reddy left this country on 10.9.2016, even before expiring the time granted by this Court.

In view of the above, the respondent cannot be held guilty under the Contempt of Courts Act. However, the fault of the respondent office is that it has not taken any action at the appropriate time, which lead to leave the country by Bollampally Sulochana Reddy, despite having criminal proceedings against her. It shows that the respondent is not supervising the office work properly and has not proper control over the subordinates.

The petitioner has been running from pillar to post for the justice and this is the second round of the petitioner to approach this Court without any fault of himself. Had the respondent taken any action on his representation dated 02.03.2016, the whole exercise would have been curtailed.

In view of facts recorded above, while discharging the respondent/contemnor from the contempt proceedings, I hereby imposed costs of Rs.15,000/- (Rupees fifteen thousand only) to be paid to the petitioner within one week from today.

Accordingly, this Contempt Case is disposed of.

Pending miscellaneous petitions, if any, shall stand dismissed.

JUSTICE SURESH KUMAR KAIT.

Date : 30-11-2016

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