

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Contempt Case No.1170 of 2015

Order:

This Contempt Case is filed alleging non-implementation of the order, dated 08.10.2014 passed by this Court in WP No.26892 of 2008.

2. The Writ Petition was filed by the petitioner herein claiming to be a Secretary of the Society for Prevention of Cruelty to Animals, Kakinada. On the request of the Animal Welfare Board of India, an enquiry was conducted against the affairs of the society. The enquiry was conducted by the Revenue Divisional Officer, Kakinada without issuing a notice to the society and when an order was passed on 22.11.2008 superseding the managing committee of the society, the Writ Petition was filed challenging the same.

3. This Court, after considering the rival contentions, allowed the Writ Petition by setting aside the order dated 22.11.2008 and restraining the District Collector from interfering with the affairs of the society except to the extent indicated in the bye-laws of the society. However, the District Collector was given liberty to constitute a society as per Rule 3 of the Rules 2001. The said order was passed on 08.10.2014. After passing the said order, when charge was not handed over to the petitioner in spite of notices dated 27.01.2015 and 30.03.2015, the above Contempt Case was filed.

4. Initially, a counter affidavit was filed by the District Collector on 28.09.2015 stating that he assumed charge as District Collector in the month of February 2015 and he was not aware of this issue till April 2015. After coming to know of the case, he instructed the concerned to initiate steps for implementation of the orders of the Court. Accordingly, the Revenue Divisional Officer, Kakinada, handed over movable and immovable properties to the petitioner on 11.09.2015 in the presence of mediators.

5. This Court was not satisfied with the bald affidavit filed by the District Collector as it did not indicate the various steps taken by him for implementing the order immediately after passing the order on 08.10.2014. In those circumstances, he filed a detailed counter affidavit on 03.12.2015

stating that the District Co-operative Officer, East Godavari District, circulated a file on 12.04.2015 suggesting notification for constitution of new committee and on receipt of the same, he instructed the Revenue Divisional Officer, Kakinada, to examine the issue. The Revenue Divisional Officer in turn circulated a note on 25.06.2015. In view of Godavari Pushkarams from 14.07.2015 to 25.07.2015 immediate action could not be taken and in the meanwhile the above Contempt Case was filed. It was also stated that pursuant to the irregularities committed by the petitioner, Crime No.202 of 2008 was registered and though the petitioner filed Criminal Petition No.8708 of 2008, it was dismissed by this Court on 30.11.2011. Charge sheet was filed in the said case and the case is pending for trial. The society was handed over to the petitioner on 11.09.2015.

6. The petitioner filed a reply affidavit stating that the society was handed over to him only after admitting the Contempt Case on 04.09.2015, even though notices were issued earlier seeking implementation of the orders.

7. It is clear from the above that the District Collector took charge of the post only in the month of February 2015 and the matter was under correspondence till June 2015. The District Collector was, no doubt, busy in making arrangements for Godavari Pushkarams. In the meanwhile, the Contempt Case was filed and when it came to the notice of the District Collector, the order was implemented. Though there was no response to the earlier notices issued on behalf of the petitioner for implementation of the order, in view of implementation of the order at the earliest point of time immediately after admission of the Contempt Case, this Court sees no reason to proceed further against the respondent under Contempt of Courts Act.

8. The Contempt Case is, accordingly, dismissed. There shall be no order as to costs.

9. As a sequel thereto, the miscellaneous applications, if any, pending in this Contempt Case shall stand closed.

A.

RAMALINGESWARA RAO, J

Date: 30th March, 2016

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