

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

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

—
CONTEMPT CASE No.1412 OF 2016

DATED: 04-08-2016

—
State of Andhra Pradesh,
Rep. by Revenue Divisional Officer,
Hyderabad. ---

Petitioner.

And

N.S. Uday Kumar and three others. ---
Respondents.

Counsel for the petitioner : G.P. for
Revenue (T.S.)

Counsel for the respondent Nos.1 to 4 : ---

This Court made the following:

ORDER: (Per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This Contempt Case is filed alleging the wilful disobedience of order, dated 08.09.2004, in W.P.M.P. No.20757 of 2004 in Writ Petition No.15931 of 2004.

In the affidavit filed in support of this case, The Revenue Divisional Officer, Secunderabad has averred that under the aforementioned order, *status-quo* as regards nature, possession and title of the property was directed to be maintained; that when the respondents tried to change the nature of the property, by carrying out further constructions thereon, the Tahsildar, Khairatabad Mandal, objected to the same; that in spite of the said objections by him, and the deponent of the affidavit, respondents leased out the premises to one V. Praveen Kumar, who, after altering its nature, started a wine shop in the name and style of '*Galaxy Wines*' in July, 2014 in violation of the *interim* order. It is further averred that the Tahsildar, Khairatabad, addressed letter to the respondents on 04.08.2014 about the alleged violation and that, thereafter, the deponent himself has addressed letter to the Excise Department for cancellation of the license on 05.10.2015.

Section 20 of the Contempt of Courts Act, 1971 imposes a bar on the Courts to initiate contempt proceedings either on its own motion or otherwise after the expiry of a period of one year from the date on which the contempt is alleged to have been committed. On the petitioner's own

showing, the respondents allegedly violated the order of this Court in July, 2014 and, on 04.08.2014 itself, the Tahsildar has addressed letter to the respondents about the alleged violation. It is thus clear that the petitioner had knowledge of alleged violation of order of this Court in July, 2014 itself. However, it has failed to file the Contempt Case, within one year from the date on which the contempt is alleged to have been committed. Therefore, the Contempt Case is barred by limitation and the same is, accordingly, dismissed as time barred.

NAGARJUNA REDDY, J **C.V.**

PRASAD, J **G. SHYAM**
Date: 04-08-2016.
Dsh

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CONTEMPT CASE No.1412OF 2016

(Order of the Division Bench delivered by
Hon'ble Sri Justice C.V. Nagarjuna Reddy)

Date. 04-08-2016

DSH