

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT APPEAL NO.847 OF 2016

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letter Patents Act, is preferred against the order passed by the learned Single Judge in WP.No.26715 of 2016 dated 26.08.2016 whereby notice in Form I was issued to the third respondent.

The learned Government Pleader for Home would submit, among others, that the learned Single Judge could not have issued Form I directing the petitioners in the Writ Petition to appear before him even before, and without, initiating proceedings under the Contempt of Courts Act, 1971. Sri I.Chandrasekhar, learned counsel for the third respondent, would fairly state that a notice in Form I could only have been issued after a Contempt Case is instituted, the respondents are asked to show cause, and if the Contempt Case is admitted thereafter.

As the Writ Appeal is required to be allowed, and the order under appeal set aside, on this short ground, it is wholly unnecessary for us to examine whether or not the appellants herein have violated the earlier order passed by this Court. Suffice it to make it clear that, in case the learned Single Judge were to initiate contempt proceedings and call upon the appellants herein to show cause, it is always open to them to put forth their contentions in their counter affidavits in such a Contempt Case. The order under appeal is, accordingly, set aside.

The Writ Appeal is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

15th September 2016
RRB

