

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

Contempt Case No. 362 of 2016

ORDER: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This Contempt Case is filed alleging violation of the order passed by a Division Bench of this Court in Public Interest Litigation No. 156 of 2015 dated 29.6.2015 whereby the State of Telangana, represented by its Chief Secretary and Principal Secretary, Department of Tribal Welfare, were directed to consider and decide the petitioner's representation dated 8.4.2015 on merits, and in accordance with law, as expeditiously as possible and preferably within a period of four months from the date of receipt of a copy of the order. While passing this order, the Division Bench made it clear that they had not examined the merits of the case.

Pursuant thereto, the 1st respondent issued Memo No. 6048/TW.LTR/2015, dated 16.10.2015 taking note of the directions of the High Court in Public Interest Litigation No. 156 of 2015 dated 29.6.2015. After extracting the order, and on elaborate consideration of the matter, the 1st respondent observed that the directions issued by the High Court had been taken into consideration by the Government, and action on the subject was in the process of being taken in consultation with the Law Department as the constitutional provisions and legal matters had to be referred to. The 1st respondent observed that the order of the High Court in Public Interest Litigation No. 156 of 2015 dated 29.6.2015 had been complied with, and any decision taken in the matter would be informed to the concerned.

Sri M.Rama Rao, learned counsel for the petitioner, would submit that the order of this Court required respondent Nos. 1 and 2 to take a decision; mere issuance of a memo, that a decision was in the process of being taken, does not amount to compliance with the directions of this Court; and respondent Nos. 1 and 2 have wilfully and deliberately violated the order of this Court.

On the other hand, the learned Advocate General would point out that the Division Bench did not examine the merits of the case; the only direction issued was to consider the petitioner's representation; in terms of the directions of the Division bench, in Public Interest Litigation No. 156 of 2015 dated 29.6.2015, the matter was elaborately considered, and a reasoned order was passed furnishing reasons; the matter necessitated consultation with the Law Department as to the constitutional provisions and legal matters before a final decision was taken; and the order of this Court has been complied with.

The jurisdiction which this Court exercises, under the Contempt of Courts Act, to punish the respondents for contempt is only if the order of this Court is violated, and the violation is wilful and deliberate. The order of the Division Bench merely required respondent Nos. 1 and 2 to consider the petitioner's representation in accordance with law, preferably within a period of four months. The respondents have issued proceedings dated 16.10.2015 stating why a decision could not be taken immediately. The order of the Division Bench did not obligate the respondents to take a decision on the issue, and merely required them to consider the petitioner's representation. The order passed by the Division Bench, in Public Interest Litigation No. 156 of 2015 dated 29.6.2015, cannot be said

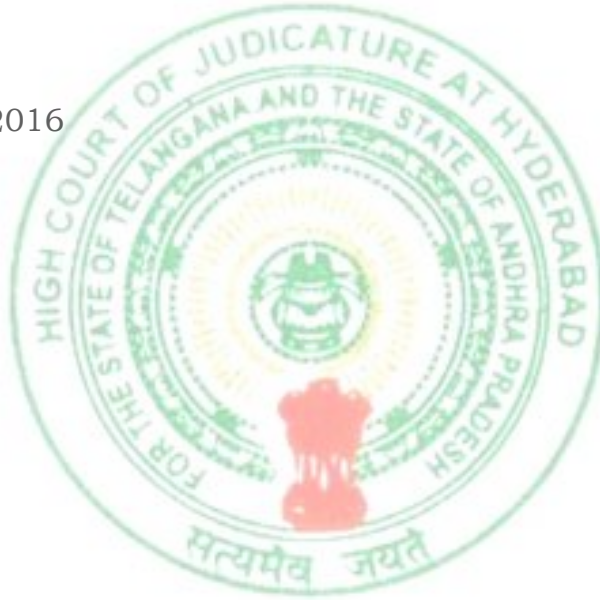
to have been violated by respondent Nos. 1 and 2, much less willfully and deliberately. We see no reason, therefore, to proceed against them under the Contempt of Courts Act.

The contempt case is, accordingly, closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

9th September, 2016

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(S.V. BHATT, J)

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Date:9.9.2016

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