

HON'BLE SRI JUSTICE S.V.BHATT

C.C. No.1529 OF 2016

ORDER:

Heard Mr.V.Rajagopal Reddy for petitioners and Ms.K.Mahalaskhmi holding for Mr.B.Narayana Reddy for respondents.

The petitioners complain willful disobedience of order dated 11.11.2011 in W.P. No.7158 of 2011 and pray for appropriate action under Sections 10 and 12 of the Contempt of Courts Act,1971 (for short 'the Act'). Order dated 11.11.2011 reads as follows:

"In the circumstances, while declining the Mandamus as prayed for, the writ petition is disposed of directing the first respondent to consider the application of the petitioners for grant of Citizenship in accordance with the Citizenship Act,1955 and pass appropriate orders expeditiously. There shall be no order as to costs."

On 15.07.2016, the instant contempt case has been filed complaining that there has been series of correspondence between the respondents and still the finality as directed by this Court through order dated 11.11.2011 is not arrived and the inaction or not passing any order amounts to willful and deliberate disobedience of the order of this Court and the same is punishable under Sections 10 and 12 of the Act.

Section 20 of the Contempt of Courts Act,1971 reads thus:

"20. Limitation for actions for contempt:- No court shall initiate any proceedings of contempt, 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.”

The order dated 11.11.2011 directed consideration and passing appropriate orders expeditiously. The order has not stipulated any time limit within which the order is required to be passed. Writ Rule No.21 of Writ Proceedings Rules,1977 reads thus:

“Unless the court otherwise directs, the direction or order made or the rule absolute issued by the High Court shall be implemented within two months of the receipt of the order.”

According to Writ Rule 21, if no limit is stipulated, the respondents are under obligation to act within two months from the date of receipt of a copy of the order. Juxtaposing the circumstances of case on hand, the limitation to pass an order would have been complete by March, 2012. If at all, the petitioners have any grievance against the instant inaction or disobedience, contempt case ought to have been filed within one year at least from March, 2012. The limitation of one year has to be strictly considered and interpreted in contempt jurisdiction.

Mr.V.Rajagopal Reddy learned counsel appearing for petitioners contends that the fact of the matter is no order is passed as on date, therefore, the disobedience is continuous and the period of limitation of one year need not strictly be applied to the fact situation of the case. The contention is merely referred to be rejected. This Court directed passing an order expeditiously. By applying the rigor of Writ Rules, the respondents are under

obligation to pass order in two months. Once it is the case of the petitioners that nothing has happened within two months, must set in motion the contempt jurisdiction of this Court within one year from the last date of two months period as per Writ Rules. The continuous cause of action does not arise in the case on hand.

On the ground that instant contempt case is beyond the period of limitation, the contempt case is dismissed leaving it open to petitioners to work out remedies independently by reference to order dated 11.11.2011. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

Date: 26.09.2016
Sp



S.V.BHATT,J