

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

WRIT PETITION No.2203 of 2016

-
27.01.2016

Between:

Kolakaipudi Ramanareddy and others

.. Petitioners

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.M.Brahma Reddy

Counsel for respondent Nos.1 to 3: Government Pleader
for Municipal Administration and Urban Development (AP)

Counsel for respondent No.4: --

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare endorsement/notice in R.O.C.No.42/2009/A1, dated 10.12.2015, issued by respondent No.4, whereby the petitioners were directed to vacate the shops in their occupation, as contrary to G.O.Ms.No.21, Municipal Administration and Urban Development (J2) Department, dated 18.01.2013, besides being illegal and arbitrary.

At the hearing, Mr.Md.Saleem, learned standing counsel for the Municipalities (AP) appearing for respondent No.4, while placing before the Court, a copy of this Court's order, dated 21.12.2015, dismissing W.P.No.41394 of 2015, filed by the self same petitioners for the same relief as claimed in this writ petition, has submitted that the petitioners have filed W.P.M.P.No.54015 of 2015 in the said writ petition, wherein this Court, by order, dated 07.01.2016, has granted three weeks time for handing over of the shops in their occupation.

Mr.B.V.Subbaiah, learned senior counsel representing Mr.M.Brahma Reddy, learned counsel for the petitioners, replied to this Court's query as to whether he has knowledge about the petitioners filing the earlier writ petition and its dismissal, that he is not aware of the said fact.

In my opinion, the conduct of the petitioners discloses that they have deliberately suppressed the fact of their filing the earlier writ petition and its dismissal. They have also suppressed the fact of their filing the aforesaid W.P.M.P. and this Court granting three weeks' time for handing over of possession of the shops in question. This conduct of the petitioners constitutes criminal contempt within the meaning of Section 3(2) of the Contempt of Courts Act, 1971.

Mr.B.V.Subbaiah, learned senior counsel, however, strongly urged this Court to take a lenient view and to not initiate contempt proceedings against the petitioners.

In deference to this request of the learned senior counsel, this Court refrains from initiating contempt proceedings against the petitioners, but at the same time, it is not inclined to let them off, at least without imposing heavy costs for their misconduct of deliberately suppressing the material facts.

Accordingly, each petitioner is mulcted with costs of Rs.5,000/- (Rupees five thousand only) payable to the Chief Justice Relief Fund within a period of one month from today and they shall file proof thereof before the Registrar (Judicial). If the petitioners fail to pay the costs, the Registry shall initiate appropriate steps for recovery of the same from them.

Subject to the above directions, the Writ Petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.2789 of 2016 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

27th January, 2016
GHN