

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE S.V.BHATT

CONTEMPT CASE No.868 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 W.P.36793 of 2014 dated 10.09.2015.

The order passed by the Division Bench reads as under:

“Writ Petition is disposed of as not pressed with liberty a prayed. If the petitioners approach the concerned authority under the provisions of the Act, the concerned authority shall consider their applications/petitions along with their earlier representations, dated 10.08.2009 (Annexure P4) in accordance with law. If the applications/petitions are made by the petitioners, as aforementioned, within four (4) weeks from today, the concerned authority shall consider the same and pass orders in accordance with la, as expeditiously as possible and preferably within sixteen (16) weeks from the date of receipt of the said applications. All contentions of the parties are kept open. It is also open to the concerned authority to consider whether the ryotwari patta, which petitioners claim, was genuine and enforceable.”

The order of the Division Bench required the petitioners to make an application within four weeks, and for the respondents to consider the same and pass orders in accordance with law at the earliest preferably within 16 weeks from the date receipt of the application. It was left open to the concerned authority to consider whether the ryotwari patta, which the petitioners claimed, was genuine or not.

It is not in dispute that an order was passed by the respondent on 22.07.2016 considering the petitioner's representation. Sri D.V.Sitarama Murthy, learned Senior Counsel appearing on behalf of the petitioners, would submit that the respondents have not considered the petitioner's contention regarding the genuineness of the ryotwari pattas submitted by them.

The order of the Division Bench left it open to the respondents to consider whether or not the ryotwari pattas were genuine and enforceable. No direction was issued to the respondents to do so. In

proceedings under the Contempt of Courts Act, action against the respondents would be necessitated only if the order of this Court is violated, that too wilfully and deliberately. As the Division Bench left it open to the respondents to consider whether or not the ryotwari pattas were genuine, failure on the part of the respondents to consider this issue does not amount to wilful and deliberate violation of the order passed by the Division Bench.

Sri D.V.Sitarama Murthy, learned Senior Counsel appearing on behalf of the petitioners, would seek liberty to question the said order. Proceedings under the Contempt of Courts Act are initiated only for violation of the order passed by this Court earlier. The order passed by the respondents, in compliance with the earlier order of the Division Bench, can always be subjected to challenge in independent legal proceedings; and the question of granting the petitioners liberty, does not arise.

The Contempt Case is, accordingly, closed. Miscellaneous Petitions pending, if any, shall also stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(S.V.BHATT, J)

11th August, 2017
JSU

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AND
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Date: 11.08.2017

JSU