

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1705 OF 2017

DATED : 14.11.2017

Between :

Smt. Baditha Ravanamma W/o.Appa Rao,
Hindu, Aged about 66 yrs, R/o.Opp : Electrical Office,
Goods Shed Road, Parvatipuram,
Vizianagaram District.

.. Petitioner

And

Sri S.Srinivas,
The Commissioner,
Parvatipuram Municipality,
Parvatipuram & others.

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO
CONTEMPT CASE No.1705 OF 2017

ORDER :

This contempt case is filed to punish the respondents for wilfully disobeying the orders of this Court dated 27.08.2015 passed in W.P.No.20148 of 2015.

2. The Writ petition was disposed of by order dated 27.08.2015 directing respondents 2 to 5 in the writ petition to consider the representation of the petitioner dated 07.06.2015 and to pass orders as warranted under law, within a period of six weeks from the date of receipt of copy of the order. The Court further directed respondents 2 to 5 to cause notice on respondents 6 to 16 and afford due opportunity to them before passing orders on the representation of the petitioner. Alleging violation of the said directions, this contempt case is filed.

3. It is contended in para No.7 of the affidavit filed in support of the contempt that though order was passed on 27.08.2015, till date no action is taken by the respondents and therefore, the action of the respondents amounts to wilful and deliberate disobedience of the directions of this Court and therefore, liable to be punished under Section 10 to 12 of the Contempt of Courts Act.

4. On 24.08.2017 notice to the respondents was ordered by this Court.

5. On behalf of respondents 3 and 4 counter affidavits are filed. Along with the counter affidavit deposed by E.Anand Kumar (4th respondent), several documents were enclosed. In the counter, it is contended that earlier petitioner filed C.C.No.1456 of 2016 alleging violation of directions of this Court, and impleaded three

revenue officers as respondents. When the said contempt was taken up for consideration, it was stated that the property against which the representation was made, falls within the limits of Parvatipuram Municipality and therefore, Parvatipuram Municipality has to take appropriate action, with reference to removal of encroachments as alleged by the petitioner. Taking note of this contention, the earlier contempt case was closed, leaving it open to the petitioner to initiate appropriate proceedings against the officers of Parvatipuram Municipality. It is therefore, contended that even the earlier contempt was closed holding that the revenue authorities are no way concerned with the issue and that once again the revenue authorities are arrayed as respondents and this amounts to unnecessary harassment to revenue authorities.

6. Learned Government pleader contended that there is deliberate mis-representation and non disclosure of filing of earlier contempt and the decision made therein, and on that ground alone, the petitioner is liable to be mulcted with heavy costs for unnecessary proceedings against the revenue authorities and for causing lot of inconvenience to the administration.

7. With reference to compliance of the directions issued, learned Standing Counsel submits that the order of this Court is complied and appropriate penal action was taken against the alleged encroachers and accordingly, petitioner was also informed vide letter in ROC No.231/2015/G1 dated 19.09.2017 about removal of encroachments.

8. Learned counsel for the petitioner fairly submits that the order is complied with and the contempt can be closed against the Commissioner, Parvatipuram Municipality.

9. In the affidavit filed in support of this contempt case, there is no whisper of petitioner filing C.C.No.1456 of 2016 impleading only three revenue officials therein and the order passed by this Court. Further petitioner proceeds as if there is total non-compliance by all the respondents arrayed in this contempt in disobedience of the directions issued. This clearly shows mis-representation of facts and earlier litigation and unnecessarily dragging the revenue authorities to the contempt proceedings causing hardship and suffering to them and also to the public exchequer in prosecuting the contempt proceedings. Such conduct of the petitioner has to be deprecated.

10. Thus, the contempt is dismissed against respondents 2 to 4 with costs of Rs.3000/- to be paid to the Tahsildar, Parvatipuram, Vizianagaram District, with due acknowledgment of payment of such amount and the same shall be filed with the Registrar (Judicial), High Court of Judicature at Hyderabad. The said amount shall be paid within three weeks from the date of receipt of copy of this order.

11. In view of the compliance of the order, the Commissioner, Parvatipuram Municipality, is discharged of contempt and Contempt Case is closed.

Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

P.NAVEEN RAO,J

14th November 2017
Rds