

HON'BLE SRI JUSTICE P.NAVEEN RAO

C.C. No.1030 of 2016

Date: 03 07.2017

Between :

Sri Mokkapati Venkata Satya Anjaneyulu,
Son of Late Shobana Chalapathi,
aged about 80 years, R/o T.Naasapuram Village
and Mandal, West Godavari District,
Andhra Pradesh State

.... Petitioner

And

Sri Ch.Hanumantha Rao,
The Deputy Commissioner,
Endowments Department,
Kakinada, East Godavari (Dt),
Andhra Pradesh.

.... Respondent



This Court made the following :

HON'BLE SRI JUSTICE P.NAVEEN RAO

Contempt Case No.1030 of 2016

ORDER :

The grievance of the petitioner in the writ petition is that he is a trustee of the Respondent-Temple and he should be recognized as Member of the Founder Family and his application for recognition as Member of the Founder Family is not acted upon. That O.A.No.17 of 2013 is pending before the A.P. Endowments Tribunal, but since Tribunal was not functioning, his application was not considered. Having regard to this peculiar facts, this Court by order dated 6.10.2015 made in W.P.M.P. No.41603 of 2015 granted liberty to the petitioner to make representation to the Deputy Commissioner with a prayer to recognize him as Member of the Founder Family within one week from that date and on receipt of such representation, the 2nd respondent i.e., Deputy Commissioner, Endowments, Department, Kakinada, East Godavari, was directed to consider the same and to pass appropriate orders within further period of two weeks. The Deputy Commissioner was further directed that if the petitioner files a representation within one week, the post of Chairman of the Trust Board should not be filled up till decision is made as directed.

2. Alleging that no decision is made as directed and on the contrary request of the petitioner is rejected asking the petitioner to go before the Endowments Tribunal, the present contempt is filed.

3. Along with the counter-affidavit deposed by Chandu Hanumantha Rao, who was then worked as Deputy Commissioner, his decision communicated to the petitioner vide proceedings dated 23.7.2016 is enclosed, wherein after narrating the history of the case, the respondent herein informed the petitioner to seek adjudication of his grievance before Endowments Tribunal as the Tribunal is already constituted and is functioning.

4. Counter-affidavit sought to justify the reason for delay in taking a decision. He sought to contend that the petitioner has not appeared when the notices were issued and on the date fixed after notice was served on one occasion on health ground he sought adjournment and one other occasion he did not attend and this contributed for the delay. It is further contended that as several issues were raised by the petitioner, which requires consideration, the Inspector was asked to look into the matter and submit his report. The Inspector submitted his report only in June, 2016 and by the time he could take a decision, as the Tribunal was already constituted, he was under the *bona fide* impression that he cannot pass any further orders and therefore by proceedings dated 23.7.2016, the same was communicated to the petitioner. Thus, he pleaded that there was no deliberate and willful violation of the orders of this Court and that the delay occurred for the reasons mentioned in the affidavit.

5. Today an additional affidavit is filed in the Court deposed by the same person and again the chronology of events are narrated in the

affidavit. Particularly the counsel for the respondent read over the averments in paragraphs 8 to 10 of additional counter-affidavit to explain the reasons. Learned counsel submits that during this period his mother was diagnosed with cancer and ultimately she succumbed to the disease on 6.5.2016. At the same time, his brother also was diagnosed with cancer and he died on 23.4.2016. During these two to three months, petitioner was disturbed because of their ill-health and consequential death and, therefore, he could not seriously concentrate on the matter and this also contributed to the delay in taking a decision.

6. Learned counsel submits that though there was a delay, that was not deliberate and willful and that he tenders unconditional apology for causing delay in passing the order and seeks to exonerate him from the allegations leveled against him by the petitioner.

7. It is not in dispute that the direction of this Court was to consider the representation of the petitioner and take a decision within two weeks from the date of receipt of the representation regarding his claim for recognizing him as Member of the Founder Family. Though the learned counsel for the respondent sought to contend that the petitioner cannot allege violation of the directions of the Court since he did not submit the representation within the time granted, it is not in dispute that the said representation was entertained and acted upon and dates of enquiry were also fixed and enquiry was conducted and ultimately final orders were passed. Therefore, it is not permissible to

the respondent to take that plea to contend that he has not violated the directions of the Court on that ground. It is not in dispute that no order was passed and there is no justification for taking such long time in taking a decision, more so when the Court has fixed only two weeks time to take such a decision. The reasons assigned in the affidavits filed on behalf of the respondent are not valid and the delay is not satisfactorily explained. From the material on record it appears that the respondent was only waiting for the Tribunal to be constituted and throw back the petitioner to the Tribunal for adjudication of his grievance. This kind of attitude and approach of the Officers is not appreciated. Officers have to be careful in dealing with matters, more particularly when directions are issued fixing time limit to take a decision and cannot take their own sweet time to pass orders as directed by the Court. If really there was genuine problem for the respondent on any of the grounds mentioned in the affidavits, he ought to have sought extension of time by placing on record relevant facts. Till the contempt is admitted, no endeavor was made in this regard. Having regard to these facts, as noted above, it is a clear case of deliberate and willful violation of the orders of the court.

8. However, having regard to the fact that the respondent has retired from service and has unconditionally apologized for not passing orders as required by him within time fixed, the Court accepts the apology and leaves the matter at that stage.

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

JUSTICE P.NAVEEN RAO

Date: 3.7.2017

skmr

