

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Contempt Case No.1306 OF 2016

ORDER:

This Contempt Case is filed alleging violation of the orders passed by this Court in W.P.No.32283 of 2015 dated 03.02.2016, wherein this Court has directed the respondent to consider the representation of the petitioner dated 16.09.2015 by examining the judgment, decree and connected record and take appropriate steps for implementation of the decree of the civil Court in O.S.No.210 of 2008 dated 08.04.2013. The decree dated 08.04.2013 is for declaration of title and also for consequential injunction.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondent.

Learned Government Pleader appearing for the respondent while reiterating the averments in the counter affidavit, submits that they have received copy of the representation of the petitioner dated 02.05.2016 on 12.05.2016 and sent reply to the petitioner vide letter dated 20.06.2016, as such, the order of this Court was complied with. He submits that as per Section 89 (2) of the Registration Act, 1908, the Court has to send the decree to the registering officer, then only it can be implemented. He submits that since there is a direction to consider the representation of the petitioner, the respondent had passed orders dated 20.06.2016, as such, there is no contempt.

When this Court found that Section 89(2) of the Registration Act has no application, passed order on 07.04.2017 directing the respondent to comply the order of this Court within 10 days. In obedience to the order of this Court dated 07.04.2017, the respondent passed order implementing the order of this Court.

It is to be seen that when there is a direction to the respondent to consider the representation of the petitioner, it is to be carried in its true spirit and should not be a routine formality for washing away hands and that it is not a true compliance. By passing an order, without considering the direction in its true spirit, it also amounts to contempt of Court. Learned Government Pleader should also make his submissions whether the order of this court has complied with in its true spirit or not.

When it was pointed out to the learned Government Pleader for respondent, as to the delay in complying the order of this Court as it was more than one year, the said aspect has not been explained by the learned Government Pleader. Though the respondent filed another counter affidavit dated 16.06.2017, except reiterating that they have passed order on 20.06.2016, there is no explanation with regard to delay in implementing the order passed by this Court. Reliance is placed in the counter affidavit in respect of Section 89 (2) of the Registration Act, but the said provision has no application to the facts of the present case on hand. If the respondent has not understood the purport

of the order of this Court, he ought to have taken legal advise, but without doing so, simply passed order dated 20.06.2016 stating that the document should be presented through the Court which passed the decree. In the order passed by this Court, there is a clear direction to implement the judgment and decree of the civil Court in O.S.No.210 of 2008 and that ignoring the same, the respondent by placing reliance on irrelevant provision, has passed order dated 20.06.2016. It shows that the respondent did not implement the order in its true spirit and it is also not known as to why the respondent did not obtain any legal opinion from the learned Government Pleader for Revenue. The attitude of the respondent, in my opinion, is almost like washing away his hands by rejecting the application of the petitioner.

This Court is not satisfied in the manner in which the respondent had acted in implementing the order and in the process, almost more than one year delay had occurred. This Court is not satisfied with the explanation offered by the learned Government Pleader appearing for respondent in complying order of this Court. Since the order of this Court has been implemented, though belatedly, this Court is declined to proceed further in the matter. The respondent hereinafter is warned to be very careful in implementing the orders passed by the Courts. However, the higher officials of the respondent are directed to sensitize the concerned subordinates in implementing the orders of this Court. The Commissioner & Inspector General of

Stamps & Registration, Andhra Pradesh is directed to sensitize the respondent in the matter of implementing the orders of the Courts.

Accordingly, this Contempt Case is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

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