

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Contempt Case No.1246 of 2014

ORDER:

This Contempt Case is filed alleging wilful and deliberate violation of the order passed by this Court in W.P.No.10891 of 2014 dated 10.04.2014 whereby the Assistant Commissioner of Endowments, Vijayawada (respondent herein) was directed to consider the petitioners' representations and the report of the Manager of the temple, and take action thereafter in accordance with law, after putting the Archaka (6th respondent in the writ petition) on notice, and after giving him an opportunity of being heard. The entire exercise culminating in a decision being taken, and communicated to the petitioners and the 6th respondent in the Writ Petition, was required to be completed within three months from the date of receipt of a copy of the order.

The order of this Court dated 10.04.2014 was received by the respondent-contemnor on 13.05.2014 and, consequently, he was required to pass an order on or before 13.08.2014. The fact, however, remains that the said order was passed on 04.12.2014, nearly four months after expiry of the three month period stipulated by this Court. The justification given by the respondent-contemnor is that, though notice was issued to the petitioners, they did not appear resulting in a delay, and the delay was solely on account of the non-cooperation of the petitioners.

The order passed by this Court, in W.P.No.10891 of 2014 dated 10.04.2014, did not require the respondent-contemnor to put the petitioners on notice. His obligation, in terms of the said order, was only to put the 6th respondent in the writ petition on notice, and to give him an opportunity of being heard. For an act, which the

respondent-contemnor chose to take on his own accord though no such obligation was cast on him to do so either in law or in terms of the order of this Court, he cannot absolve himself of blame for having violated the order of this Court. Since that is the only justification offered for non-compliance, of the order in the writ petition, within time it is clear that the respondent-contemnor has wilfully and deliberately violated the order of this Court. If, as is now contended, his inability to comply with the order within the time specified was for reasons attributable to the petitioners, nothing prevented the respondent-contemnor from making an application seeking extension of time to comply with the order. No such application has been filed before this Court. Despite having failed to comply with the order of this Court within time, the respondent-contemnor has neither expressed remorse nor regret for the belated compliance.

Since the order of this Court has been wilfully and deliberately violated by the respondent-contemnor's failure to pass an order within time, and he has not even expressed any remorse for the delay in compliance, it is but appropriate to impose on him a fine of Rs.2,000/- (Rupees Two Thousand Only), payable to the State within two months from today, failing which the respondent-contemnor shall undergo simple imprisonment for a period of one week.

The Contempt Case is, accordingly, disposed of.

Miscellaneous petitions pending, if any, shall also stand closed.
There shall be no order as to costs.

(RAMESH RANGANATHAN, J)

27th July, 2018
JSU

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Date: 27.07.2018

JSU