

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CONTEMPT CASE NO.1231 OF 2016
AND
SUO MOTU CONTEMPT CASE NO.128 OF 2018

C O M M O N O R D E R
(Per Sri Justice Sanjay Kumar)

Contempt Case No.1231 of 2016 was filed by Tammisetti Venu Gopal, the appellant in W.A.No.1043 of 2014, alleging willful disobedience to the judgment dated 25.07.2014 passed therein. By the said judgment, a Division Bench of this Court comprising the then Hon'ble The Chief Justice and one of us, SK,J, noted that the learned single Judge had not decided anything while disposing of W.P.No.23318 of 2003, *vide* order dated 11.04.2014, as he had only remanded the matter to the Tahsildar, Hanamkonda, for taking a decision afresh, and directed the said authority to also decide the question of the *locus* of Pindi Rama Krishna Reddy, the first respondent in the writ appeal/the writ petitioner. Leaving all points open, the Division Bench further directed the authority to decide the matter within three months from the date of communication of the judgment.

Historical narrative, pertinent to note, is that Tammisetti Venu Gopal had secured pattadar passbooks from the Tahsildar, Hanamkonda, in respect of the land admeasuring Ac.2.00 guntas in Sy.No.118/D of Enumamula Village. Aggrieved thereby, Pindi Rama Krishna Reddy appealed to the Revenue Divisional Officer, Warangal, who allowed the appeal. In revision by Tammisetti Venu Gopal, the Joint Collector, Waqqrangal, reversed the said appellate order. This order was subjected to challenge in W.P.No.23318 of 2003 before this Court. The writ petition was allowed by a learned Judge of this Court on the ground that Pindi Rama Krishna Reddy was not put on notice by the Tahsildar, Hanamkonda, while accepting the plea of Tammisetti

Venu Gopal for issuance of pattadar passbooks and the matter was remanded for fresh consideration. It is in this milieu that the writ appeal filed by Tammisetti Venu Gopal was disposed of directing the Tahsildar, Hanamkonda, to also decide the *locus* of Pindi Rama Krishna Reddy.

According to Tammisetti Venu Gopal, though the Division Bench directed the Tahsildar to dispose of the matter within three months from the date of receipt of the judgment and the said judgment was dispatched on 05.08.2014 and received by the authority, no steps were taken immediately. He made a representation to the Tahsildar, Hanamkonda, as well as the Joint Collector, Warangal, seeking implementation of the judgment and on 25.07.2014, the Joint Collector, Warangal, directed the Tahsildar, Hanamkonda, to strictly comply with the judgment in the writ appeal. Thereupon, by Memo dated 18.02.2015, the Tahsildar, Hanamkonda, directed the Additional Revenue Inspector and the Village Revenue Officer, Hanamkonda, to visit the spot and submit a status report. The Additional Revenue Inspector and the Village Revenue Officer then visited the spot. Revenue summons dated 20.03.2015 was issued by the Tahsildar, Hanamkonda, calling upon Tammisetti Venu Gopal and Pindi Rama Krishna Reddy to appear in person on 24.03.2015 with original documents. Tammisetti Venu Gopal made a representation on 23.03.2015 to the Tahsildar, Hanamkonda, requesting him to pass appropriate orders but there was no progress. He asserted that despite repeatedly approaching the Tahsildar and requesting him to implement the judgment, no action was taken. At that point of time, the then Tahsildar, Hanamkonda, the first respondent in C.C.No.1231 of 2016, was transferred and a new incumbent, the second respondent in C.C.No.1231 of 2016, took charge. The successor Tahsildar issued a notice on 22.07.2015 to Tammisetti Venu Gopal calling

upon him to appear before him on 01.08.2015. Tammiseti Venu Gopal claims that he did so and submitted reply dated 01.08.2015. His complaint in C.C.No.1231 of 2016 was that despite the same, no orders were passed by the new incumbent, who was dragging on the matter one way or the other.

C.C.No.1231 of 2016 was filed in January, 2016. The Registry raised an objection as to the maintainability of this contempt case on the ground of limitation. However, by order dated 05.07.2016, this Court overruled the office objection as the issue of limitation required to be examined on the judicial side. The contempt case was accordingly directed to be numbered if it was otherwise found to be in order. Notice before admission was then ordered in the contempt case on 27.08.2016. On 13.10.2016, the contempt case was adjourned to 03.11.2016 for counter. On 03.11.2016, this Court noted that despite taking time to file a counter, the respondents had not chosen to do so and as the Court, *prima facie*, found that the judgment passed in W.A.No.1043 of 2014 had not been complied with, the contempt case was admitted and posted for appearance of the second respondent on 01.12.2016. On 01.12.2016, the second respondent was present in person and the learned Government Pleader representing him informed the Court that the record would indicate that Tammiseti Venu Gopal was well aware of the final order passed by the second respondent as long back as on 20.11.2015. The presence of the second respondent was dispensed with and the matter was adjourned to 15.12.2016 for his counter.

In his counter affidavit dated 14.12.2016, the second respondent-Tahsildar stated that pursuant to the judgment passed by this Court in W.A.No.1043 of 2014, he followed the due procedure by issuing notices calling for objections and passed an order, *vide* proceedings dated 20.11.2015, directing the parties to approach the competent civil Court to

resolve their disputes over the subject land. He further stated that the first respondent-Tahsildar, who held office before him, issued notices to both parties on 20.03.2015 after receipt of the judgment passed by this Court and in response thereto, both the parties submitted documentary evidence along with their replies. However, the matter was kept pending as the first respondent-Tahsildar was transferred and he, in turn, assumed charge only on 27.04.2015. He stated that after assuming charge and on verification of the records, including the letter dated 21.12.2014 of the Joint Collector, Warangal, he directed the Mandal Revenue Inspector to conduct a spot inspection to note the physical features and submit a report. He also issued revenue summons to both parties on 22.07.2015 to appear before him on 01.08.2015 along with their documents. After hearing both parties, he stated that he issued an order, *vide* proceedings dated 20.11.2015, and the same was furnished to Tammiseti Venu Gopal on 21.11.2015. He alleged that Tammiseti Venu Gopal went through the order and having signed the same, he struck off his signature thereafter and then filed a contempt case. He stated that after passing of the order, *vide* proceedings dated 20.11.2015, copies thereof were served on both parties, but Tammiseti Venu Gopal was denying the passing of the said order with the *malafide* intention of falsely implicating him in contempt proceedings. He concluded by stating that he assumed charge as the Tahsildar, Hanamkonda Mandal, on 27.04.2015 and the delay in compliance with the judgment passed by this Court was due to his being busy with election duties. He stated that he had the highest regard and respect for the orders of this Court and would never violate such orders, either willfully or wantonly. He further stated that he never intended to violate any order of this Hon'ble Court and tendered his unconditional

apology for the delay in passing the order. A copy of the proceedings dated 20.11.2015 was appended to the said counter affidavit.

On 15.12.2016, as the aforesaid counter affidavit was filed, the matter was adjourned to 20.01.2017 for reply, if any.

In his reply affidavit dated 19.01.2017, Tammiseti Venu Gopal stated that in response to the revenue summons dated 22.07.2015, he alone appeared before the second respondent-Tahsildar on 01.08.2015. He contended that Pindi Rama Krishna Reddy had not at all appeared on the said date and, as per his information, Pindi Rama Krishna Reddy was not even in India on that date as he was in the United States of America. He asserted that there was no question of the second respondent-Tahsildar hearing Pindi Rama Krishna Reddy on that day. He also denied passing of the order, *vide* proceedings dated 20.11.2015, and alleged that the order was subsequently brought on record after the filing of the contempt case. He alleged that the same was never served on him and a false story was cooked up by the second respondent-Tahsildar. He further stated that in terms of the judgment passed by this Court, the second respondent-Tahsildar had to conduct an enquiry to decide the *locus* of Pindi Rama Krishna Reddy but the so-called proceedings dated 20.11.2015 did not demonstrate any such consideration. He pointed out that if he had really affixed his signature and thereafter struck off the same, nothing prevented the second respondent-Tahsildar from sending him the said proceedings by registered post. He pointed out that though the contempt case was filed in January, 2016, the second respondent-Tahsildar did not file a counter till the matter was posted for his personal appearance. He further claimed that on 06.08.2016, he had approached the Joint Collector, Warangal, and made a detailed representation seeking implementation of the judgment in W.A.No.1043 of

2014 and the Joint Collector made an endorsement thereon, calling upon the second respondent-Tahsildar to implement the same. He asserted that this fact clinched the issue and proved that no order had been passed by the second respondent-Tahsildar till August, 2016.

Perusal of the letter dated 06.08.2016 addressed by Tammiseti Venu Gopal to the Joint Collector, Warangal, demonstrates that he complained therein that no action had been taken to implement the earlier order dated 21.12.2014 of the Joint Collector, Warangal, directing compliance with the judgment. He therefore requested the Joint Collector, Warangal, to see that the High Court judgment was implemented. Thereupon, the Joint Collector, Warangal, endorsed to the Tahsildar, Hanamkonda, to implement the High Court order. His signature therein bears the date: 06.08.2016.

On 23.01.2017, in the light of the aforestated reply affidavit averments, the learned Government Pleader for Revenue sought time. On 30.01.2017, this Court directed the learned Government Pleader for Revenue to produce the original file relating to the proceedings dated 20.11.2015 of the second respondent-Tahsildar. The matter was adjourned to 06.02.2017 for the said purpose. However, on 06.02.2017, the learned Assistant Government Pleader sought time till 13.02.2017 and on that day, an adjournment was sought to the next day. The record was produced. On 14.02.2017, after perusing the record, this Court directed both the respondents-Tahsildars to remain present on the next date of hearing and adjourned the case to 28.02.2017. On 28.02.2017, both the respondents-Tahsildars were present. The learned Government Pleader sought liberty to file additional affidavits on their behalf and asked for the original record, which had been produced, to be returned. This Court however permitted the respondents-Tahsildars to file additional affidavits, if any, basing on the

record available with them but did not accede to the request for return of the original record.

The first respondent-Tahsildar then filed counter affidavit dated 10.03.2017 stating as follows: He worked as the Tahsildar, Hanamkonda, from 01.07.2014 to 20.04.2015. He proceeded on leave with effect from 20.04.2015 and is working as the Revenue Divisional Officer at Huzurabad, Karimnagar District. He stated that upon receipt of the judgment in W.A.No.1043 of 2014 and the letter dated 21.12.2014 from the Joint Collector, Warangal, he issued Memo dated 18.02.2015 to the Village Revenue Officer and the Additional Revenue Inspector, Hanamkonda, to visit the spot and submit a detailed report. After submission of the said report by them, he issued notice to both parties to attend on 24.03.2015. Tammiseti Venu Gopal thereupon submitted a representation on 28.03.2015 but as he proceeded on long leave from 20.04.2015, he took no further steps. He stated that the second respondent-Tahsildar assumed charge on 27.04.2015. He accounted for the delay on his part while he was in office stating that he was busy with major works introduced by the Government in relation to Samagra Kutumba Survey, Aasara Pensions, New Food Security Cards and regularization of unobjectionable encroachments in Government lands.

On 27.03.2017, the presence of the first respondent-Tahsildar was dispensed with but the second respondent-Tahsildar was directed to remain present. The matter was adjourned to 30.03.2017 for production of the original record of the Joint Collector, Warangal, relating to the case. On 30.03.2017, the matter was again adjourned to 04.04.2017 for production of the said record. The record of the Joint Collector, Warangal, was then produced. On 06.04.2017, the Joint Collector, Warangal, who had made an endorsement on 06.08.2016 on the representation of Tammiseti Venu

Gopal, was directed to file an affidavit explaining as to what steps were taken upon his making such an endorsement.

The Joint Collector, Warangal, filed affidavit dated 17.04.2017 admitting that Tammisetti Venu Gopal submitted a representation to him seeking implementation of the High Court judgment and having gone through the same, he endorsed to the Tahsildar, Hanamkonda, to implement the said judgment. He stated that the said representation was sent to the Tahsildar, Hanamkonda, but there was no correspondence from the Tahsildar, Hanamkonda, thereupon.

On 20.04.2017, this Court took note of the affidavit dated 17.04.2017 filed by the Joint Collector, Warangal, and adjourned the matter to 09.06.2017 to give the second respondent-Tahsildar a last opportunity to come clean by filing an affidavit disclosing the full particulars in the light of what had been stated in his affidavit by the Joint Collector, Warangal.

The second respondent-Tahsildar then filed additional affidavit dated 07.06.2017 reiterating that he had passed an order, *vide* proceedings dated 20.11.2015, and that Tammisetti Venu Gopal struck off his signature in the office copy, having acknowledged receipt thereof, and then complained to the Joint Collector, Warangal, that there was no compliance with the judgment in W.A.No.1043 of 2014. He further stated that as Tammisetti Venu Gopal had not furnished his full address anywhere in his application, his office could not serve a copy of the said proceedings upon him by post. He further stated that after passing of the order, *vide* proceedings dated 20.11.2015, Tammisetti Venu Gopal filed a representation before the Joint Collector, Warangal, to implement the High Court judgment and the same was forwarded to his office, but due to heavy work and lack of sufficient staff he could not concentrate on the matter, as the same was already

closed. He further claimed that after passing of the order, *vide* proceedings dated 20.11.2015, Pindi Rama Krishna Reddy filed a caveat petition against Tammisetti Venu Gopal in December, 2015, and asserted that this strengthened his claim that he had passed the order, *vide* proceedings dated 20.11.2015, and that it was not ante-dated. He again tendered an unconditional apology for the delay in compliance with the judgment passed in W.A.No.1043 of 2014.

Tammisetti Venu Gopal filed counter affidavit dated 21.06.2017 to the aforestated additional affidavit of the second respondent-Tahsildar. Therein, he again denied that the second respondent-Tahsildar had passed an order, *vide* proceedings dated 20.11.2015. He pointed out that he complained in the matter to the Joint Collector, Warangal, long after filing of this contempt case but despite the same, the second respondent-Tahsildar did not choose to inform either this Court or the Joint Collector, Warangal, till December, 2016, about the so-called proceedings dated 20.11.2015. He reiterated his allegation that the second respondent-Tahsildar had purposefully fabricated the ante-dated order only to get over the contempt case.

On 05.07.2017, the learned Government Pleader for Revenue sought time to file an additional counter affidavit. He also sought permission to allow the respondents and their counsel to peruse the record which had been given to the Court. The matter was accordingly adjourned to 26.07.2017 and it was left open to the second respondent-Tahsildar and his counsel to approach the Registrar (Judicial) for availing an opportunity to peruse the record which was kept in the custody of the Registrar (Judicial).

The second respondent-Tahsildar then filed additional affidavit dated 25.07.2017. Therein, he stated that the judgment in W.A.No.1043 of 2014 was communicated to the office of the Tahsildar, Hanamkonda Mandal, on

16.08.2014 and the period stipulated therein expired on 15.11.2014. He pointed out that he was not the Tahsildar, Hanamkonda, at that point of time as he assumed charge of that office only on 27.04.2015 and continued as such till 09.10.2016. Upon coming to know of the pendency of the matter, he stated that he issued notice on 22.07.2015 fixing the date of hearing as 01.08.2015. He admitted that Tammiseti Venu Gopal appeared on the said date and requested for issuance of title deeds and pattadar pass books by duly validating the gift deed dated 01.10.1969 under which he claimed rights in the land admeasuring Ac.2.00 guntas in Sy.No.118/D of Enumamula Village. On behalf of Pindi Rama Krishna Reddy, one N.Venugopal Reddy, GPA Holder, appeared and the matter was adjourned to 22.08.2015 and again to 29.08.2015. On 29.08.2015, Tammiseti Venu Gopal and N.Venugopal Reddy appeared and the matter was heard, whereupon orders were reserved by him. He claimed that he then passed the order, *vide* proceedings dated 20.11.2015, directing the parties to approach the competent civil Court to resolve their *inter se* disputes over the subject land. He again asserted that Tammiseti Venu Gopal, having acknowledged receipt of the said order, struck off his signature therein. In the light of this act on his part, the Village Revenue Officer was asked to serve a copy of the order on Tammiseti Venu Gopal but the Village Revenue Officer, Enumamula Village, informed him that Tammiseti Venu Gopal was not residing in the given address and a copy of the order was affixed at the land on 25.11.2015 in the presence of witnesses, D.Raju and Melakanti Ranjit Kumar. He alleged that Tammiseti Venu Gopal intentionally failed to furnish his full address in his application due to which, he could not be served a copy of the order by post. Pursuant to the setting aside of the regularisation granted by the then Mandal Revenue Officer in favour of Tammiseti Venu Gopal, proceedings

were issued on 24.07.2015 cancelling the pattadar pass books and title deeds already issued to him. He further asserted that by suppressing the passing of the orders on 24.07.2015 and 20.11.2015, Tammisetti Venu Gopal made a representation on 06.08.2016 to the Joint Collector, Warangal, seeking implementation of the judgment in the writ appeal and the same was forwarded to his office by the said Joint Collector. He claimed that due to heavy work and lack of sufficient staff, he could not concentrate on the matter as the same was already disposed of and no communication was sent to the office of the Joint Collector, Warangal. He further stated that upon enquiry, it was revealed that after passing of the order on 20.11.2015, Pindi Rama Krishna Reddy filed a caveat petition against Tammisetti Venu Gopal in December, 2015 which demonstrated that the order dated 20.11.2015 was not ante-dated. He further claimed that due to communication gap, he could not file a counter-affidavit in time before this Court as to the compliance with the order in the writ appeal. He again reiterated the reasons already set out by him in his earlier affidavits as to why there was a delay on his part in complying with the order. He tendered his unconditional apology for the said delay and for not taking steps to seek extension of time. According to him, as the learned Single Judge has already held that Pindi Rama Krishna Reddy had interest in the subject land and as the matter was relegated to the competent civil Court at the threshold, *locus* of Pindi Rama Krishna Reddy was not specifically doubted. He stated that the contempt case was barred by limitation and was not maintainable. He pointed out that the judgment in the writ appeal was passed on 25.07.2014 directing disposal of the matter within three months and as the said order was communicated to his office on 16.08.2014, the matter had to be disposed of by 15.11.2014. The one year stipulated by law for filing of a contempt case, according to him, expired on

15.11.2015 and therefore, the contempt case, which was filed on 06.01.2016, was barred by limitation. He stated that he had great respect and regard for this Court and the orders passed by it and asserted that he had not violated any order of this Court wilfully or deliberately. He again tendered an unconditional apology for the delay in compliance.

Tammisetti Venu Gopal filed reply affidavit dated 01.08.2017 in response to the aforestated additional affidavit dated 25.07.2017 of the second respondent-Tahsildar. Therein, he pointed out that neither in the alleged proceedings dated 20.11.2015 nor in his earlier counter-affidavit, the second respondent-Tahsildar had stated that N.Venugopal Reddy, the GPA holder, appeared on behalf of Pindi Rama Krishna Reddy and it was only when he asserted that Pindi Rama Krishna Reddy had not even appeared on 01.08.2015, that the second respondent-Tahsildar took the present stand that he was represented by his GPA holder, N.Venugopal Reddy. He pointed out that even in the alleged proceedings dated 20.11.2015, the second respondent-Tahsildar had noted that Pindi Rama Krishna Reddy had appeared before him. He further stated that it was absolutely false to state that he was not residing in his given address. He asserted that he had given his door number and address correctly and it was only with a view to cover up his lapse that the second respondent-Tahsildar claimed otherwise. Be it noted that Tammisetti Venu Gopal misunderstood the statement made by the second respondent-Tahsildar as to the filing of a caveat and asserted that he had not filed any such caveat as he needed to file a civil suit and not a caveat in terms of the alleged proceedings dated 20.11.2015. He also contested the claim of the second respondent-Tahsildar as to why there was a delay on his part. Pointing out that no documents had been filed to prove that he was involved in and was busy with official duties, he asserted that

the contempt case was filed well within limitation as the second respondent-Tahsildar had continued to hear the case till August, 2015 but failed to pass any order. He therefore claimed that limitation began only from August, 2015 and that the contempt case filed in January, 2016 was not time-barred.

The second respondent-Tahsildar then filed affidavit dated 20.11.2017. Therein, he pointed out that in his reply affidavit dated 19.01.2017, Tammisetti Venu Gopal stated that he had not passed an order on 20.11.2015 and that the same was ante-dated to avoid the contempt case. Para 5 of Tammisetti Venu Gopal's reply affidavit was extracted by him and the same reads as under:

'The present counter affidavit was filed by creating a false and non-existing order alleged to have been passed on 20.11.2015. No such orders were passed on 20.11.2015 and I am specifically denying the same.

...All these clearly shows that a false and ante-dated orders were brought in picture only to avoid this Contempt Case.'

He then went on to state that when the matter came up for hearing on 05.10.2017, Tammisetti Venu Gopal had submitted that he had passed an ante-dated order to avoid the contempt case and emphasised the averments made in his reply affidavit. He further stated that this Court had taken cognizance of the aforestated statement made by Tammisetti Venu Gopal and issued notice for initiation of *suo motu* criminal contempt proceedings, being of the opinion that the order passed on 20.11.2015 was, *prima facie*, ante-dated. He claimed that the order dated 20.11.2015 was served on Tammisetti Venu Gopal on 23.11.2015 by the concerned Senior Assistant in his office and his signature was also obtained on a copy of the said order. However, Tammisetti Venu Gopal struck off his signature on the office copy of the order and left the office hurriedly along with his copy. Thereupon, the concerned Senior Assistant handed over a copy of the order to the Village

Revenue Officer, Enumamula, to serve the same upon Tammisetti Venu Gopal. However, as Tammisetti Venu Gopal was not available in his given address, the order was affixed at the subject land and the same was reported to the office of the Tahsildar. He further stated that S.Vinod Kumar, Senior Assistant of the Tahsildar Office, was aware of these facts and had sworn to an affidavit affirming the same. He concluded by asserting that the averments made by Tammisetti Venu Gopal in his affidavit dated 19.01.2017 were false and incorrect and amounted to abuse of process. He prayed that Tammisetti Venu Gopal should be punished for filing a false affidavit before this Court under the provisions of the Contempt of Courts Act, 1971 (*for brevity*, 'the Act of 1971').

The affidavit dated 20.11.2017 of Sreepada Vinod Kumar, Senior Assistant and In-charge of 'B' Section (Land matters), office of the Tahsildar, Hanamkonda, was appended thereto, wherein Sreepada Vinod Kumar deposed to the effect that the second respondent-Tahsildar passed an order, *vide* proceedings dated 20.11.2015; that Tammisetti Venu Gopal came to the office and met him on 23.11.2015; that he informed him of the passing of the order by the second respondent-Tahsildar on 20.11.2015; that the copy of the order marked to Tammisetti Venu Gopal was handed over to him in the presence of B.Rajaiah, Village Revenue Assistant, Hanamkonda, by taking his signature on the office copy of the order; that Tammisetti Venu Gopal perused the order, spoke to somebody on his mobile phone and immediately struck off his signature on the office copy of the order; that Tammisetti Venu Gopal hurriedly left the office along with his copy of the order; that B.Rajaiah, Village Revenue Assistant, witnessed the incident; that in view of the non-availability of the correct address, the order was handed over to G.Mahender, Village Revenue Officer of Enumamula, where the

subject land was located, for the purpose of serving the same to Tammisetti Venu Gopal; that the Village Revenue Officer reported that due to non-availability of Tammisetti Venu Gopal at his given address, he affixed the order copy at the subject land in the presence of two witnesses, D.Raju and N.Ranjit Kumar, on 25.11.2015; and that the same was reported to his office and was part of the file relating to the subject land.

In response to the aforestated affidavits, Tammisetti Venu Gopal filed reply affidavit dated 23.11.2017. Therein, he denied all the allegations made in the affidavit dated 20.11.2017. He asserted that the second respondent-Tahsildar had created a new theory that he had gone to his office and that the Senior Assistant had served a copy of the proceedings dated 20.11.2015 upon him on 23.11.2015. He pointed out that this plea had not been taken in the original counter-affidavit filed in December, 2016. He pointed out that as per the initial counter-affidavit, the second respondent-Tahsildar had claimed that the order dated 20.11.2015 were served upon him on 21.11.2015 but his present claim was that the same was served upon him on 23.11.2015. He further pointed out that in the initial counter-affidavit, there was no mention that he had personally visited the office of the second respondent-Tahsildar. As regards the affidavit deposed to by the Senior Assistant, office of the Tahsildar, Hanamkonda, he denied the contents thereof and asserted that the version put forth was highly improbable. He pointed out that a Government servant of the rank of Senior Assistant would not allow a party to strike off his signature in the order after speaking to someone over the mobile phone and asserted that the story put up by the second respondent-Tahsildar and his Senior Assistant was false.

The second respondent-Tahsildar filed additional affidavit dated 15.12.2017. Therein, he stated that he had filed the counter-affidavit dated

14.12.2016, wherein he had averred that the proceedings dated 20.11.2015 were communicated to Tammisetti Venu Gopal on 21.11.2015 instead of 23.11.2015 by inadvertence and that it was a clerical mistake. He further stated that the said mistake may not have any bearing on the issue as to whether the proceedings were passed on 20.11.2015 or were ante-dated.

C.A.No.174 of 2017 was filed by Tammisetti Venu Gopal seeking to produce documents, 21 in number, as additional material papers. According to him, these were the documents which had been filed in W.A.No.1043 of 2014. However, as this Court is not concerned with the merits of the claim of Tammisetti Venu Gopal against Pindi Rama Krishna Reddy in the present contempt proceedings, these documents are of no relevance, being prior in point of time to the judgment passed in the writ appeal from which this contempt case arises. The application is accordingly dismissed.

Tammisetti Venu Gopal thereupon filed I.A.No.1 of 2018 seeking the leave of the Court to produce the caveat copy dated 21.12.2015 filed by Pindi Rama Krishna Reddy before the Court. In the affidavit filed in support thereof, he stated that during the pendency of the contempt case filed by him, this Court had initiated *suo motu* contempt proceedings, *vide Suo Motu* C.C.No.128 of 2018, and in the said case, the second respondent-Tahsildar had produced the Caveat Register of the Warangal Court contending that a caveat had been filed by Pindi Rama Krishna Reddy against him, lending credibility to his claim that the proceedings were passed on 20.11.2015. He further stated that as the caveat affidavit was not filed and only the Caveat Register, he should be permitted to file a copy of the same. A copy of the caveat petition filed by Pindi Rama Krishna Reddy in the Court of the Principal Senior Civil Judge at Warangal was appended thereto. The I.A. is ordered and the document is taken on record. Perusal thereof reflects that

the said caveat petition was filed on 21.12.2015 but no mention was made therein of any proceedings having been passed by the Tahsildar, Hanamkonda, on 20.11.2015. Therein, it was merely stated as under:

'1. The Caveator submits that he is the owner and possessor of the land to an extent of Ac. 2-00 guntas out of Survey No. 118/D situated at Enumamala Village, Mandal, Warangal District and he is enjoying peaceful and continuous possession over the same.

2. The Caveator submits that the respondent is having no right or no interest over the suit schedule property trying to interfere in his peaceful possession over the schedule property. Recently he came to know that the respondent having no right or interest over the same trying to obtain exparte orders from the Hon'ble Court by fabricating some documents showing the schedule land. The Caveator submits that he is intending to contest the suit and interlocutory application, which are going to be filed by the respondent.

It is therefore prayed that the Hon'ble Court may be pleased to order notice to the Caveator before granting any Interim Orders in favour of the respondent in relating to the schedule property or any part of the schedule property annexed hereto in the event of filing of any suit or interlocutory application by him against the Caveator in respect of schedule property in the interest of justice.'

The affidavit filed in support of the petition reiterated the same facts.

It may be noted that by order dated 05.10.2017, this Court took note of the facts and circumstances which, *prima facie*, indicated the possibility of ante-dating of the proceedings dated 20.11.2015 and directed the Registry to issue a notice to the second respondent-Tahsildar as to why he should not be proceeded against for having committed criminal contempt by interfering with the administration of justice by placing before this Court the proceedings dated 20.11.2015 which, on the face of it, appeared to be ante-dated. The second respondent-Tahsildar was given liberty to respond, if he so chose, to the said notice by the next date of hearing. On 26.10.2017, the learned Special Government Pleader appearing for the second respondent-Tahsildar informed this Court that the notice as to the alleged criminal contempt had been served and sought time to file his response thereto. On 18.01.2018, this Court passed the following order:

'Respondent No.2 is present.

In the light of the order dated 05.10.2017 passed by this Court requiring the Registry to initiate proceedings against respondent No.2 for alleged criminal contempt, the Registry is directed to follow the procedure prescribed under Rule 8(2) of the Contempt of Court Rules, 1980 framed by this Court and number a separate *suo motu* contempt case so that the same may be taken up along with this contempt case.

Post on 29.01.2018.'

Thereupon, *Suo Motu* Contempt Case No.128 of 2018 was registered against the second respondent-Tahsildar. The petition therein reads as under:

'By order dated 05-10-2017 passed in C.C.No.1231 of 2016 the Hon'ble Court directed the Registry to issue notice to the Respondent 2 therein (Contemnor herein) as to why he should not be proceeded against for having committed criminal contempt by interfering with the administration of justice in terms of placing before this Hon'ble Court an order dated 20-11-2015, which on the fact of it, appeared to be antedated.

Hence, this *suo motu* Contempt Case.'

The second respondent-Tahsildar, being the sole respondent therein, filed affidavit dated 23.02.1018. Therein, he stated that while working as the Tahsildar, Hanamkonda, he had passed the order, *vide* proceedings dated 20.11.2015. He again asserted that Tammisetti Venu Gopal came to his office and met Sreepada Vinod Kumar, Senior Assistant, on 23.11.2015. He again reiterated his version as to how Tammisetti Venu Gopal acknowledged receipt of a copy of the said proceedings by affixing his signature on the office copy but thereafter struck off the same after speaking to someone on his mobile phone. He again repeated that he could not communicate a copy of the said order by post due to non-availability of the address of Tammisetti Venu Gopal and that G.Mahender, Village Revenue Officer, Enumamula, affixed a copy of the order at the subject land in the presence of witnesses, P.Raju and N.Ranjit Kumar, on 25.11.2015. He further stated that as the matter involved an ownership and title dispute, he had directed the parties

to approach the civil Court by way of his order, *vide* proceedings dated 20.11.2015, and that Pindi Rama Krishna Reddy, the other party, filed Caveat Application No.1029/2015 dated 30.12.2015, through C.Vidyasagar Reddy, Advocate, before the District Court, Warangal, against Tammiseti Venu Gopal. He claimed that this evidenced his passing the order on 20.11.2015 and proved that the same was not ante-dated. The affidavit dated 20.11.2017 of Sreepada Vinod Kumar, Senior Assistant, was appended to this affidavit along with a copy of the Caveat Register, wherein an entry was made on 30.12.2015 that Pindi Rama Krishna Reddy had filed a caveat petition against Tammiseti Venu Gopal in relation to the agricultural land admeasuring Ac.2.00 guntas in Sy.No.118/D of Enumamula Village.

Thereafter, affidavit dated 23.02.2018 of Sri C.Vidyasagar Reddy, Advocate, was filed, wherein he stated that Pindi Rama Krishna Reddy had instructed him to file a caveat petition in anticipation that Tammiseti Venu Gopal may file a suit pursuant to the order passed by the Tahsildar, Hanamkonda Mandal, on 20.11.2015. He further stated that after perusing the said order, he filed a caveat petition before the Principal District and Sessions Court, Warangal, and that the same was entered in the Caveat Register on 30.12.2015, bearing Nos.7729/15 and 1029/15. He stated that he had filed similar caveat petitions before the Principal Senior Civil Judge's Court and the Principal Junior Civil Judge's Court at Warangal.

B.Rajaiah, Village Revenue Assistant, Hanamkonda, filed affidavit dated 09.03.2015 in the *suo motu* contempt case stating that on 23.11.2015, he visited the office of the Tahsildar, Hanamkonda, to meet Sreepada Vinod Kumar, Senior Assistant, in connection with office work and at that time Tammiseti Venu Gopal came to the Senior Assistant and enquired about his case. He further stated that the Senior Assistant informed Tammiseti Venu

Gopal that the Tahsildar had passed an order on 20.11.2015 and a copy of the said order was given to him by taking his signature on the office copy of the order. He asserted that after reading the said order, Tammisetti Venu Gopal spoke on his mobile and immediately struck off his signature on the office copy of the order and suddenly left the office with the copy given to him. He claimed that he witnessed the aforestated incident and that he was filing an affidavit to that effect.

G.Mahender, Village Revenue Officer, Enumamula Village, filed affidavit dated 09.03.2018 stating that the Tahsildar, Hanamkonda Mandal, passed an order on 20.11.2015 in relation to the land admeasuring Ac.2.00 guntas in Sy.No.118/D of Enumamula Village in the case between Tammisetti Venu Gopal and Pindi Rama Krishna Reddy. He further stated that in view of insufficient postal address, the Senior Assistant in the office of the Tahsildar, Hanamkonda, directed him to affix the order at the land in question in the process of serving and he accordingly affixed the order at an appropriate place on the land on 25.11.2015 in the presence of two witnesses, D.Raju and Ranjit Kumar. He asserted that the same was reported to the office of the Tahsildar, Hanamkonda, and was part of the proceedings on the file.

This profuse and multiple exchange of affidavits was permitted so as to enable this Court to ascertain the truth underlying the various issues and allegations that arose in and during the course of the contempt proceedings.

Basing on the above pleadings, Sri P.S.P.Suresh Kumar, learned counsel for Tammisetti Venu Gopal, would contend that C.C.No.1231 of 2016 was filed well within the period of limitation as the second respondent-Tahsildar continued to hear the matter till August, 2015 and as he failed to pass an order even thereafter, the said contempt case was filed in January,

2016. He would assert that the contempt case was filed within the period of one year therefrom in terms of Section 20 of the Act of 1971. He would also point out that initiation of the *suo motu* contempt proceedings was equally within time as this Court took note of the affidavit dated 19.01.2017 filed by Tammiseti Venu Gopal indicating for the first time that the second respondent-Tahsildar had brought on record the proceedings dated 20.11.2015 by ante-dating the same and formed a *prima facie* opinion only after the Joint Collector, Warangal, filed his affidavit dated 17.04.2017. Learned counsel would further assert that the facts brought on record through various affidavits clearly demonstrate that the second respondent-Tahsildar failed to abide by the directions of this Court in its order dated 25.07.2014, not only in terms of the time frame fixed thereunder but also in the context of the enquiry that was to be undertaken consequent thereto. He would point out that though there was a specific direction to determine the *locus* of Pindi Rama Krishna Reddy, the second respondent-Tahsildar failed to look into that issue and baldly claimed that the same was found to be unnecessary in the light of the observations made by the learned Judge in his order dated 11.04.2014 passed in W.P.No.23318 of 2003.

Per contra, Sri K.Ramakrishna Reddy, learned senior counsel representing Sri B.Mahender Reddy, learned counsel who entered appearance for the second respondent-Tahsildar during the course of these proceedings, would contend that both the contempt cases are time-barred. According to him, as the order which is the subject matter of C.C.No.1231 of 2016 was passed on 25.07.2014 fixing a time frame which expired on 15.11.2014, the contempt case, which was not filed within one year from the said date, as it was admittedly filed only in January, 2016, is time-barred. Learned senior counsel would also point out that the order, *vide*

proceedings dated 20.11.2015, could have been the subject matter of *suo motu* contempt proceedings only within one year therefrom but the said *suo motu* Contempt Case No.128 of 2018 was registered only on 22.01.2018. On the merits of the matter, learned senior counsel would argue that the sequence of events, as narrated in the affidavits filed by and on behalf of the second respondent-Tahsildar, clearly demonstrated that the second respondent-Tahsildar passed an order, *vide* proceedings dated 20.11.2015, in due compliance with the judgment dated 25.07.2014 in the writ appeal and therefore such compliance, albeit with delay, was sufficient to set at naught C.C.No.1231 of 2016.

In the written submissions filed by the second respondent-Tahsildar, the following aspects were raised:

As the time stipulated in the order dated 25.07.2014 passed in the writ appeal expired on 15.11.2014 and as on that date, the second respondent-Tahsildar was not even in the picture, disobedience to the said order in the context of the time frame would only be attributable to the first respondent-Tahsildar. Copy of the order, *vide* proceedings dated 20.11.2015, was filed by the second respondent-Tahsildar along with his first counter on 15.12.2016. As the time stipulated expired by 15.11.2014, the period of one year stipulated under Section 20 of the Act of 1971 expired in November, 2015, but C.C.No.1231 of 2016 was filed only in January, 2016. It is therefore not maintainable on the ground of limitation. The ground of limitation would be equally applicable to initiation of the *suo motu* contempt proceedings as the order, *vide* proceedings dated 20.11.2015, was placed before this Court on 15.12.2016 but the *suo motu* contempt case was registered only in January, 2018, well beyond the period of one year. Reference was made to the evidence affidavits filed by Sreepada Vinod

Kumar, Senior Assistant; G.Mahender, Village Revenue Officer; Enumamula, B.Rajaiah, Village Revenue Assistant, Hanamkonda; and C.Vidyasagar Reddy, Advocate, Warangal; which support the claim of the second respondent-Tahsildar that he passed the order, *vide* proceedings dated 20.11.2015, and that the same was served upon Tammisetti Venu Gopal immediately thereafter. As the second respondent-Tahsildar passed the said order in exercise of power under Section 5A of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, he was under no legal obligation to communicate a copy of the same to the Joint Collector, Warangal. Therefore, no adverse inference can be drawn from his failure in forwarding a copy of the said order to the Joint Collector, Warangal. As the *suo motu* contempt proceedings were initiated for criminal contempt, the required burden of proof would be on par with that required in a criminal case and therefore, mere inferences would be insufficient to hold against the second respondent-Tahsildar on that count. Unless there is a clear cut case of obstruction of administration of justice, Section 15(1) read with Section 2(c) of the Act of 1971 would not be satisfied. No cause is therefore made out for exercise of contempt jurisdiction on the ground that there was any attempt by the second respondent-Tahsildar to interfere with the due course of justice within the meaning of Section 13(a) of the Act of 1971.

As regards the issue of limitation, it may be noted that in PALLAV SHETH V/ s. CUSTODIAN¹, the Supreme Court observed that action for contempt is divisible into two categories, namely, that initiated *suo motu* by the Court and that instituted otherwise than on the Court's own motion and the mode of initiation in each case would necessarily be different. It was pointed out that while in the case of *suo motu* proceedings, it is the Court

¹ (2001) 7 SCC 549

itself which must initiate by issuing a notice, in the other case initiation can only be by a party filing an application. The Supreme Court opined that the proper construction to be placed on Section 20 of the Act of 1971 is that action must be initiated, either by filing of an application or by the Court issuing notice *suo motu*, within a period of one year from the date on which the contempt is alleged to have been committed. The same principle was applied by a Division Bench of this Court in DR.SUBHENDU SEN V/ s. PRADEEP KUMAR². More recently, in MAHESHWAR PERI V/ s. HIGH COURT OF JUDICATURE AT ALLAHABAD³, reliance was placed by the Supreme Court on PALLAV SHETH¹ and initiation of *suo motu* contempt proceedings on 28.04.2015 in relation to publication of an article on 10.11.2008 was held to be hit by the limitation of one year prescribed under Section 20 of the Act of 1971.

It may be noted that the plea of limitation in relation to C.C.No.1231 of 2016 was not raised by the second respondent-Tahsildar in his first counter-affidavit filed on 15.12.2016. Similarly, the counter-affidavit filed on 23.02.2018 in the *suo motu* contempt case was also silent on the issue of limitation. In the counter-affidavits filed in June and July, 2017, the issue was raised for the first time in the context of C.C.No.1231 of 2016.

However, as the issue of limitation would go to the root of the matter, this Court is of the opinion that the same requires to be considered on its own merits. Be it noted that in BINOD BIHARI SINGH V/ s. UNION OF INDIA⁴, the Supreme Court observed that if a claim is barred by limitation and such a plea is raised specifically, the Court cannot straight away dismiss the plea simply on the score that such plea is ignoble. It was further observed that the bar of limitation must be considered even if such plea has

² 2011 (3) ALD 404 (DB)

³ (2016) 14 SCC 251

⁴ (1993) 1 SCC 572

not been specifically raised. Again, in *STATE OF GUJARAT V/ s. KOTHARI AND ASSOCIATES*⁵, the Supreme Court observed that Section 3 of the Limitation Act, 1963 provides that every suit, appeal or application made after the prescribed period should be dismissed, although limitation has not been set up as a defence and therefore, it is incumbent upon the Court to satisfy itself that the action is not barred by limitation, regardless of whether such a plea has been raised by the parties.

It may be noted that the cause for filing of C.C.No.1231 of 2016 was the complaint of Tammiseti Venu Gopal that no order had been passed pursuant to the judgment dated 25.07.2014 passed in the writ appeal. The said judgment fixed a time frame for passing an order. Therefore, not only failure to adhere to the time frame but also the failure in passing an order would amount to disobedience. Expiry of the stipulated time frame on 15.11.2014 is therefore relevant only for the purpose of reckoning the disobedience in failing to abide by such time frame and has no bearing on compliance with the direction to pass an order on fresh consideration. The failure to pass an order would give rise to a continuing contempt as long as no order is passed. Filing of the contempt case in January, 2016, complaining that no order had been passed till then was therefore within time, despite the expiry of the stipulated time frame in November, 2014. The alternative plea advanced by Sri P.S.P. Suresh Kumar, learned counsel, is equally meritorious. The second respondent-Tahsildar admittedly heard the case till August, 2015 and therefore, the contempt case filed in January, 2016, complaining that he had not passed any order thereafter is not beyond the period of one year therefrom. C.C.No.1231 of 2016 is therefore not barred by limitation.

⁵ (2016) 14 SCC 761

Having failed to seek extension in relation to the time frame as per the judgment dated 25.07.2014 passed in the writ appeal, the second respondent-Tahsildar cannot take advantage of his own failure to abide by such time frame at least after he assumed office. Be it noted that despite this Court fixing time limits as a matter of course in almost all its orders, the State and its officials do not even pay lip service to the same by at least making an attempt to adhere to such time frames. Compliance with this Court's orders, if and when reported, normally after initiation of contempt proceedings in most cases, is invariably with some amount of delay and inevitably beyond the time frames fixed by this Court. It would therefore be wholly unrealistic to be sanctimonious about the time frame of three months fixed by this Court in its judgment dated 25.07.2014 passed in the writ appeal and hold that failure to abide by the said time frame would allow the contemnors to go scot-free as the contempt proceedings were initiated more than one year thereafter. Further, if this Court were to take such time frames seriously, it would be, but unavoidable, that in each and every case the authorities would have to be hauled up for contempt. As already pointed out *supra*, compliance with time frames fixed by this Court is not even a rarity as compliance with delay is the norm. The second respondent-contemnor cannot therefore claim that he was under no duty to pass an order as directed by this Court after the expiry of the stipulated time frame.

Similarly, initiation of the *suo motu* contempt proceedings was upon this Court forming a *prima facie* opinion only on 05.10.2017 that the second respondent-Tahsildar may have ante-dated the order, *vide* proceedings dated 20.11.2015, and that the same amounted to obstruction or interference with the administration of justice. This opinion was formed upon filing of the affidavit dated 19.01.2017 by Tammiseti Venu Gopal; the

consequential calling for the record from the office of the Joint Collector, Warangal; the filing of an affidavit by him on 17.04.2017; and the last explanation offered by the second respondent-Tahsildar. Initiation of the *suo motu* contempt proceedings is therefore not barred by limitation as the same were initiated on 05.10.2017 and were registered in January, 2018, well within one year from the date of formation of such opinion. The date of the purported order passed by the second respondent-Tahsildar, *vide* the proceedings dated 20.11.2015, is of no relevance as the limitation begins to run only from the date of formation of a *prima facie* opinion by this Court that he may have ante-dated the said order.

At this stage, it would be apposite to take note of other precedential edicts on contempt jurisdiction. In *MANINDERJIT SINGH BITTA V/ s. UNION OF INDIA*⁶, the Supreme Court observed as under:

‘19. Under the Indian law the conduct of the parties, the act of disobedience and the attendant circumstances are relevant to consider whether a case would fall under civil contempt or criminal contempt. For example, disobedience of an order of a court simpliciter would be civil contempt but when it is coupled with conduct of the parties which is contemptuous, prejudicial and is in flagrant violation of the law of the land, it may be treated as a criminal contempt. Even under the English law, the courts have the power to enforce its judgment and orders against the recalcitrant parties.

20. In exercise of its contempt jurisdiction, the courts are primarily concerned with enquiring whether the contemnor is guilty of intentional and wilful violation of the orders of the court, even to constitute a civil contempt. Every party to lis before the court, and even otherwise, is expected to obey the orders of the court in its true spirit and substance. Every person is required to respect and obey the orders of the court with due dignity for the institution. The government departments are no exception to it. The departments or instrumentalities of the State must act expeditiously as per orders of the court and if such orders postulate any schedule, then it must be adhered to. Whenever there are obstructions or difficulties in compliance with the orders of the court, least that is expected of the

⁶ (2012) 1 SCC 273

government department or its functionaries is to approach the court for extension of time or clarifications, if called for. But, where the party neither obeys the orders of the court nor approaches the court making appropriate prayers for extension of time or variation of order, the only possible inference in law is that such party disobeys the orders of the court. In other words, it is intentionally not carrying out the orders of the court. Flagrant violation of the court's orders would reflect the attitude of the party concerned to undermine the authority of the courts, its dignity and the administration of justice.'

It was further observed in the above decision that it was not the offence of contempt which gets altered by the passive/negative or active/positive behaviour of the contemnor but, at best, it can be a relevant consideration for imposition of punishment, wherever the contemnor is found guilty of contempt. The Supreme Court noted that disobedience to Court orders by positive or active contribution or non-obedience by a passive and dormant conduct leads to the same result and that such disobedience of the orders of the Court strikes at the very root of the Rule of Law on which the judicial system rests.

In *E.T.SUNUP V/ s. C.A.N.S.S.EMPLOYEES ASSOCIATION*⁷, the Supreme Court observed that it has become a tendency with Government officers to somehow or the other circumvent the orders of the Court and try to take recourse to one justification or the other. It was further observed that it showed complete lack of grace in accepting the orders of the Court and this tendency of undermining the Court's order could not be countenanced.

In *R.S.SUJATHA V/ s. STATE OF KARNATAKA*⁸, the Supreme Court observed as under:

'18. Thus, from the above, it is evident that the inquiry/contempt proceedings should be initiated by the court in exceptional circumstances where the court is of the opinion that

⁷ (2004) 8 SCC 683

⁸ (2011) 5 SCC 689

perjury has been committed by a party deliberately to have some beneficial order from the court. There must be grounds of a nature higher than mere surmise or suspicion for initiating such proceedings. There must be distinct evidence of the commission of an offence by such a person as mere suspicion cannot bring home the charge of perjury. More so, the court has also to determine as on facts, whether it is expedient in the interest of justice to inquire into the offence which appears to have been committed.

.....

21. The proceedings being quasi-criminal in nature, burden and standard of proof required is the same as required in criminal cases. The charges have to be framed as per the statutory rules framed for the purpose and proved beyond reasonable doubt keeping in mind that the alleged contemnor is entitled to the benefit of doubt. Law does not permit imposing any punishment in contempt proceedings on mere probabilities. The court cannot punish the alleged contemnor without any foundation merely on conjectures and surmises.... Needless to say, the contempt proceedings being quasi-criminal in nature require strict adherence to the procedure prescribed under the rules applicable in such proceedings.....?

In SAHDEO ALIAS SAHDEO SINGH V/s. STATE OF UTTAR PRADESH⁹, the Supreme Court summarised the law relating to *suo motu* contempt proceedings as under:

‘27. In view of the above, the law can be summarised that the High Court has a power to initiate the contempt proceedings suo motu for ensuring the compliance with the orders passed by the Court. However, contempt proceedings being quasi-criminal in nature, the same standard of proof is required in the same manner as in other criminal cases. The alleged contemnor is entitled to the protection of all safeguards/rights which are provided in the criminal jurisprudence, including the benefit of doubt. There must be a clear-cut case of obstruction of administration of justice by a party intentionally to bring the matter within the ambit of the said provision. The alleged contemnor is to be informed as to what is the charge, he has to meet. Thus, specific charge has to be framed in precision. The alleged contemnor may ask the Court to permit him to cross-examine the witnesses i.e. the deponents of affidavits, who have deposed against him. In spite of the fact that contempt proceedings are quasi-criminal in nature, provisions of the Code of Criminal Procedure, 1973

⁹ (2010) 3 SCC 705

(hereinafter called “CrPC”) and the Evidence Act are not attracted for the reason that proceedings have to be concluded expeditiously. Thus, the trial has to be concluded as early as possible. The case should not rest only on surmises and conjectures. There must be clear and reliable evidence to substantiate the allegations against the alleged contemnor. The proceedings must be concluded giving strict adherence to the statutory rules framed for the purpose.’

Applying the above legal principles to the cases on hand, it may be noted that registration of the *suo motu* contempt case clearly sets out the charge to the effect that the second respondent-Tahsildar interfered with the administration of justice by placing the order, *vide* proceedings dated 20.11.2015, before this Court which, on the face of it, appeared to be ante-dated. Though Sri K.Ramakrishna Reddy, learned senior counsel, would contend that there must be a formal drawing up of a charge, this Court is of the opinion that niceties may not be reason enough to set at naught the *suo motu* contempt case when the second respondent-Tahsildar was made fully aware of the substance of the charge against him, even if it was not couched as a formal charge. All the more so, given the seriousness of the charge.

The plea of the second respondent-Tahsildar is that he not only passed an order, *vide* proceedings dated 20.11.2015, but also got the same served upon Tammisetti Venu Gopal. The very fact that he admits to having made a mistake as to the date on which such service was allegedly effected shrouds such claim in serious doubt. That apart, it is surprising to note that the version of the second respondent-Tahsildar, supported by his misguidedly loyal staff, is that Tammisetti Venu Gopal affixed his signature on the office copy of the proceedings dated 20.11.2015 and then struck off his signature therein after speaking to someone on the mobile phone. He is alleged to have then left the office with his copy of the said proceedings. Significantly, this incident is stated to have occurred in the Tahsildar’s office

in the presence of several Government servants. However, no steps were taken by them to report the same to the police or to the Joint Collector, Warangal. It may be kept in mind that by that date, a communication had already been addressed by the Joint Collector, Warangal, on 25.07.2014 requiring the Tahsildar, Hanamkonda, to strictly comply with the judgment dated 25.07.2014 passed in the writ appeal. Despite knowledge of intervention in the matter by the Joint Collector, Warangal, the second respondent-Tahsildar claims that he did not find it necessary to either inform the Joint Collector, Warangal, of passing the order or what had happened at the time of the alleged service of the order or even forward a copy of the said order to the Joint Collector, Warangal. This plea lacks merit, given the fact that the Joint Collector, Warangal, again made an endorsement on 06.08.2018 upon the representation of Tammisetti Venu Gopal to the effect that the Tahsildar, Hanamkonda, should implement this Court's judgment. This endorsement was made long after filing of C.C.No.1231 of 2016. Being well aware of these contempt proceedings and the direction from his superior, it is not believable that the second respondent-Tahsildar did not think it necessary to at least inform the Joint Collector, Warangal, that he had passed an order, *vide* proceedings dated 20.11.2015, had he actually done so.

The plea of the second respondent-Tahsildar is that he could not get the said order served upon Tammisetti Venu Gopal by post owing to the fact that his address was not available. It may be noted that the second respondent-Tahsildar admits that summons were served upon Tammisetti Venu Gopal upto August, 2015, while he was still hearing the case. The sudden failure on his part to ascertain the whereabouts of Tammisetti Venu Gopal or his address when it came to service of the proceedings dated

20.11.2015 therefore seems rather farfetched. Even the later service of the said proceedings is not clear from suspicion. The second respondent-Tahsildar claimed that the same was affixed on the land as Tammisetti Venu Gopal was not available at his given address but his Senior Assistant and the Village Revenue Officer claimed that the same was sent only for affixation on the land. The Village Revenue Officer did not even state that the said order was sent to him for service at the address of Tammisetti Venu Gopal, but that was the version put forth by the second respondent-Tahsildar.

Another aspect which was pressed into service by the second respondent-Tahsildar was the so-called filing of a caveat by Pindi Rama Krishna Reddy after he passed the order, *vide* proceedings dated 20.11.2015. However, perusal of the caveat register and the caveat petition disclose that no mention was made therein of the said proceedings and on the other hand, it was asserted therein that Pindi Rama Krishna Reddy apprehended that Tammisetti Venu Gopal would approach the civil Court in relation to the land and obtain *ex parte* interim orders against him. Had the caveat been filed in relation to the proceedings dated 20.11.2015, C.Vidyasagar Reddy, Advocate, Warangal, who filed the said caveat, would not have failed to mention the said proceedings in the body of the caveat. It may be noted that he claimed that he filed the said caveat after going through the said proceedings but significantly, there is no mention made by him of the said proceedings in the body of the caveat petition or the supporting affidavit. The said caveat petition therefore does not further the case of the second respondent-Tahsildar.

That apart, as rightly pointed out by Sri P.S.P.Suresh Kumar, learned counsel, the proceedings dated 20.11.2015 did not even address the aspect of the *locus* of Pindi Rama Krishna Reddy. When there was a specific

direction by this Court in the judgment dated 25.07.2014 passed in the writ appeal that this issue should be determined by the Tahsildar, Hanamkonda, it was not open to him to baldly state that the issue stood settled by the order of the learned Judge, which was the subject matter of the said writ appeal. It was after noting the said observation of the learned Judge that this Court felt it necessary to direct the Tahsildar, Hanamkonda, to determine the issue of *locus* of Pindi Rama Krishna Reddy, but the second respondent-Tahsildar left this aspect completely unaddressed. This failure on his part in this regard is sufficient to make out a case of willful disobedience. Further, the second respondent-Tahsildar observed therein that he passed the order after hearing both parties but it was brought out by Tammiseti Venu Gopal that Pindi Rama Krishna Reddy did not even attend the hearing on 01.08.2015. At that point of time, the second respondent-Tahsildar conveniently changed his stand and came up with a new story to the effect that Pindi Rama Krishna Reddy was represented in the hearing by one Venu Gopal Reddy, his General Power of Attorney holder. Significantly, this was neither stated in the proceedings *itself* nor in the earlier counter-affidavit filed by the second respondent-Tahsildar. This clearly shows an attempt on the part of the second respondent-Tahsildar to improve his version to suit his own interest and at his own convenience.

Though the second respondent-Tahsildar also made an attempt to put the first respondent-Tahsildar in the dock so as to get himself exonerated, the fact remains that the first respondent-Tahsildar, having initiated proceedings, demitted office before he could conclude the same. He also offered justification for the delay on his part in completing the proceedings while he was in office. Having considered the reasons offered by the first respondent-Tahsildar for the delay on his part while in office, this

Court is of the opinion that his disobedience in abiding by the time frame cannot be categorized as wilful disobedience. It is only symptomatic of the casual indifference that is usually shown by the authorities to the time frames stipulated by this Court. He is therefore not an exception to that rule but still, deliberate and wilful intention to disobey is absent. However, when it comes to the second respondent-Tahsildar, not only did he fail to abide by the directions of this Court in its judgment dated 25.07.2014 in the writ appeal, as discussed hereinabove, but he compounded the same by coming up with the ante-dated proceedings dated 20.11.2015. This conclusion is not based on inferences but on hard facts which negate acceptance of the contrary claim of the second respondent-Tahsildar. The original record produced before this Court does not even contain the 'Note File', which, in itself, is a suspicious circumstance, and what is available therein does not help in clarifying the issues arising in these contempt proceedings.

On the above analysis, this Court holds that the second respondent-Tahsildar failed to abide by the directions of this Court in the judgment dated 25.07.2014 passed in W.A.No.1043 of 2014 as he did not choose to address the aspect specifically directed to be looked into by this Court, even if his proceedings dated 20.11.2015 are accepted at face value. Either way, his actions constitute wilful disobedience as per Section 2(b) of the Act of 1971. That apart, this Court finds that the said proceedings have been ante-dated only to escape the rigour of these contempt proceedings. This act on his part undoubtedly interferes with and obstructs the administration of justice, as per Sections 2(c)(iii) and 13(a) of the Act of 1971. He is therefore held guilty of committing civil and criminal contempt. It may be noted that the second respondent-Tahsildar never even attempted to tender an apology to this Court for contumacious conduct, if any, on his part. All along, he only

apologised for the delay on his part in passing an order and no more. He therefore never showed any remorse or had any second thoughts, despite ample opportunity being given to him, and remained wilfully adamant.

On the above analysis, the first respondent-Tahsildar is exonerated for the delay on his part in complying with the order dated 25.07.2014 giving him the benefit of doubt, duly accepting the reasons set out by him for the said delay. The second respondent-Tahsildar is however held guilty of committing civil and criminal contempt. He is sentenced under Section 12 of the Act of 1971 to imprisonment for six months, in accordance with the due procedure as set out in Rules 31 and 32 of the A.P. High Court Rules framed under the Act of 1971, and shall also pay a fine of Rs.2,000/-. His subsistence allowance is fixed at Rs.400/- per day and shall be borne by the State as his imprisonment is attributable to the *suo motu* contempt proceedings also.

Contempt Case No.1231 of 2016 and *Suo Motu* Contempt Case No.128 of 2018 are ordered accordingly. No order as to costs.

This order shall remain suspended for a period of three months to enable the second respondent-Tahsildar to avail appellate remedies, if he so chooses. Subject to just exceptions, the Registry shall take steps to give effect to this order thereafter.

SANJAY KUMAR, J

T.AMARNATH GOUD,J

26th OCTOBER, 2018

PGS