

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Contempt Case No.1025 of 2017

ORDER :

This Contempt Case is filed alleging violation of order passed by this Court in WPMP No.19977 of 2017 in W.P.No.16261 of 2017 on 28.04.2017, wherein this Court granted interim order directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioner over the land to an extent of Ac.0.05 cents in Sy.No.426/1B situated at Chinnaorampadu village, Obulavaripalli Mandal, YSR Kadapa District by suspending the endorsement of the 3rd respondent in Ref.A/42/2017, dated 31.03.2017 pending disposal of the main writ petition.

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

It is alleged in the Contempt Case that in spite of interim orders passed by this Court on 28.04.2017, the respondent wrote a letter No.Ref.A/42/2017, dated 20.05.2017 to the Station House Officer, Obulavaripalli PS, asking them not to allow the petitioner over the land to an extent of 0.05 cents in Sy.No.425/1 at Chinnaorampadu village of Obulavaripally Mandal, YSR District, until outcome of the final judgment from this Court in WP No.16261 of 2017.

It is to be seen that when the respondent was trying to meddle with the civil dispute by impugned endorsement, this Court granted interim suspension of the same. Again the respondent wrote a letter dated 20.05.2017 to the SHO, Obulavaripalli PS, asking them not to allow the petitioner in the subject property. A perusal of the impugned order in the writ petition shows that the respondent himself states that the parties have to approach the Civil Court to get injunction. It is not known under what power the respondent has passed such an order and that in spite of suspending the impugned endorsement in the writ petition, the respondent wrote a letter dated 20.05.2017 requesting the SHO not to allow the parties to enter into the subject land, *prima facie* shows that the respondent intentionally has violated the orders passed by this Court.

Though learned Assistant Government Pleader for respondent basing on the counter affidavit, states that the petitioner is claiming the land in Sy.No.426/1B, but not in Sy.No.425/1A and the respondent has not interfered with the possession of the petitioner over the land to an extent of 0.05 cents in Sy.No.426/1B. But a perusal of the affidavit filed in support of the writ petition shows that the petitioner is claiming right over the land in Sy.No.426/1B. There appears a border dispute between the petitioner and others, which led the respondent to pass the impugned endorsement in the writ

petition, which was suspended. Therefore, the action of the respondent is nothing but interfering with the administration of justice. No doubt, in all civil matters, the disputes have to be decided by the Civil Courts. In case where any government land is involved, the respondent can take up appropriate proceedings in accordance with law, but cannot straight away pass impugned orders in respect of civil disputes between private parties. Though an elaborate counter affidavit is filed, the respondent did not explain the reason for his conduct in his affidavit for issuing letter dated 20.05.2017 to the SHO, in spite of passing of interim order by this Court. These facts would clearly show that the respondent has utter disregard to the orders passed by this Court.

In view of above facts and circumstances, this Court is of the opinion that the respondent has disregarded the orders of this Court and willfully disobeyed the order passed by this Court, as such, convicted for committing Contempt of Court under Section 12 of the Contempt of Courts Act, 1971 and that though it is a fit case to send the respondent to civil prison for his willful disobedience, but in the facts and circumstances, imposes fine of Rs.2,000/- (Rupees two thousand only) to be payable from his pocket to the Andhra Pradesh State Legal Services Authority for his disobedience to the order of this Court dated 28.04.2017. The amount shall

be paid within a period of four (4) weeks, failing which he shall undergo simple imprisonment for a period of two (2) days for which necessary steps would be taken by the Registrar of this Court.

The Contempt Case is accordingly disposed of. As a sequel thereto, miscellaneous applications, if any, pending in this Contempt Case shall stand closed.

12-02-2018
kvs



A.RAJASHEKER REDDY, J

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