

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN  
AND  
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

**Writ Appeal Nos.162 and 169 of 2018**

**COMMON JUDGMENT:** (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

While the Learned Government Pleader for Assignments (AP) would seek permission to withdraw both the Writ Appeals with liberty to file petitions to vacate the interim orders, he would express apprehension that any delay in the vacate stay petitions being taken up may result in action being taken against the appellants by the Learned Single Judge, under the Contempt of Courts Act, since he had, in the orders under appeals, directed the Registry to issue show-cause notices, to the 2<sup>nd</sup> appellant herein, as to why suo-motu proceedings under the Contempt of Courts Act should not be initiated against him. Learned Government Pleader would request this Court to **consider** directing the Learned Single Judge to take up the vacate stay petitions within two weeks.

It would be wholly inappropriate for us to determine the board of the Learned Single Judge. We are, however, satisfied that, even without giving the appellants herein an opportunity of filing their counter-affidavit in the Writ Petitions, the Learned Single Judge ought not to have initiated contempt proceedings against them, that too suo-motu. The orders under appeals, to the limited extent notice was issued to the 2<sup>nd</sup> appellant herein to show-cause why suo-motu proceedings for Contempt of Court should not be initiated against him, are set aside.

Liberty is granted to the appellants to seek vacation of the interim orders, which are under challenge in these two appeals, by

filing appropriate applications before the Learned Single Judge. Subject to the aforesaid observations, both the Writ Appeals are dismissed as withdrawn. The miscellaneous petitions pending, if any, shall stand dismissed. There shall be no order as to costs.

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**(RAMESH RANGANATHAN, ACJ)**

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**(KONGARA VIJAYA LAKSHMI, J)**

Date:06<sup>th</sup> February, 2018.  
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