

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Contempt Case No.610 of 2014

ORDER:

This Contempt Case is filed alleging wilful and deliberate violation of the order passed by this Court in W.P.No.9817 of 2014 dated 01.04.2014 whereby the writ petition was disposed of directing the District Election Authority & District Collector, Kadapa to consider the petitioner's representation in accordance with law, pass a reasoned order thereupon at the earliest and, in any event, not later than three days from the date of receipt of a copy of the order. The District Collector appears to have passed an order on 03.04.2014 rejecting the request of the petitioner for setting up a polling booth.

While there appears to be a dispute whether a copy of the said proceedings were, in fact, served on the petitioner, and the petitioner alleges that the Mandal Parishad Development Officer has now sought to present a picture of having affixed a copy of the proceedings on the petitioner's house though it was not served or communicated, it must be borne in mind that proceedings under the Contempt of Courts Act are quasi-criminal in character. It is only if it is established beyond reasonable doubt that the order of this Court has been wilfully and deliberately violated, would this Court be justified in punishing the respondents-contemnors under the Contempt of Courts Act. In the absence of a specific direction, in the order passed in W.P.No.9817 of 2014 dated 01.04.2014, that the said order should be communicated, the District Collector cannot be faulted for non-compliance of the order merely because he failed to communicate the said order to the petitioner. I see no reason, therefore, to proceed against the respondents-contemnors and punish them under the Contempt of Courts Act.

The Contempt Case is, accordingly, dismissed.

Miscellaneous petitions pending, if any, shall 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

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