

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Contempt Case No.745 of 2017

ORDER :

This Contempt Case is filed alleging violation of order passed by this Court in WP No.17625 of 2016 on 08.06.2016, wherein and whereby this Court disposed of the Writ Petition directing the 3rd respondent therein and the respondent herein to dispose of the application filed by the petitioner in Form VI-A in accordance with law, within a period of two months from the date of receipt of a copy of the order.

Counter affidavit is filed by the respondent justifying the reasons for not complying the orders passed by this Court stating immediately after receiving a copy of the order, he has addressed letter dated 25.07.2016 in Rc.No.594/2016 to the Assistant Government Pleader, Vizianagaram seeking legal opinion as to whether the applicant is entitled for issuance of Pattadar Pass Book and Title Deed in respect of the property mentioned in the registered document. That the Assistant Government Pleader, Vizianagaram has sent his opinion on 09.09.2016, stating that pattadar pass books and title deeds can be issued subject to fulfillment of the requirements pointed out by him. Thereafter, the respondent sent MRI to ascertain the actual occupation of the land by

making a field survey, who recorded the statement of elders on 13.09.2016. That the respondent went on leave from 10.10.2016 to 20.10.2016 for performing his son's marriage. Thereafter, he joined duty and busy with routine work, he missed the attention of the file of the petitioner; that Office of Tahsildar at Gantiyada was under-staffed. That he was transferred from Gantiyada to Bondapalli Mandal in May, 2017 and took charge at the new place on 04.06.2017. It is stated that he never intended to disrespect the order of this Court nor had any intentions to withhold the processing of the case of the petitioner and he expressed his unconditional apology for not obeying the orders passed by this Court.

Heard learned counsel for the petitioner and Sri Vedula Srinivas, learned counsel appearing for Sri P.Rajeshwari, learned counsel for respondent.

Learned counsel for the petitioner submits that in spite of having knowledge about the orders passed by this Court and the respondent was in the office till his transfer to Bondapalli Mandal in the month of May, 2017, he has not implemented the orders passed by this Court, which is nothing but violation of orders passed by this Court. The unconditional apology cannot be accepted as same is not genuine. He would contend that the respondent deliberately violated the orders passed by this Court.

On the other hand, Sri Vedula Srinivas, learned counsel for the respondent submits that there was no intention on the part of the respondent for violating the orders passed by this Court. He submits that due to circumstances stated in the counter affidavit, the orders passed by this Court could not be implemented, though he has taken some steps towards implementation of orders passed by this Court. He submits that the respondent is at the fag end of his service and that since he expressed unconditional apology, seeks to take a lenient view.

In this case, admittedly, after receipt of the order passed by this Court, respondent has addressed letter dated 25.07.2016 in Rc.No.594/2016 to the Assistant Government Pleader, Vizianagaram seeking legal opinion as to whether the applicant is entitled for issuance of PPB/TD in respect of the property mentioned in the registered document. The Asst. Government Pleader, Vizianagaram offered his opinion on 09.09.2016. Subsequently, on the directions of this respondent, the MRI recorded the statement of elders of the village on 13.09.2016 to know about the person in possession of the subject lands. It is not known as to why the respondent has not passed orders after recording the statements of elders on 13.09.2016 and it is also not known what is the further step required to be taken in this regard and he was in the office till his transfer to Bondapalli Mandal

in May, 2017. Even if it is assumed that he was busy with his son's marriage during the month of October, 2016, but what prevented him to comply the orders passed by this Court thereafter. Except stating baldly that he is busy with routine work and pressure of work due to under-staff, he has not offered any cogent reasons for not implementing the orders passed by this Court. The explanation offered in the counter affidavit by the respondent is not at all satisfactory and that it is given only to wriggle out of this Contempt Case. The unconditional apology offered by him does not appear to be a genuine one and not in good faith. If the officials of the Government like respondent takes the orders of this Court very lightly, they cannot be let off like that. The attitude of the respondent goes to show that he is not only negligent but also has no respect for the orders passed by this Court. Though the respondent was in the office till his transfer in the month of May, 2017, he has not implemented the orders passed by this Court, thereby willfully disobeyed the orders passed by this Court.

In these days, it has become habit for the officials not to implement the orders passed by this Court in many cases. Only after Contempt Cases are filed, the orders passed by this Court are being implemented. It is very unfortunate situation that in some Contempt Cases, even after receiving notices, the orders are not being implemented by the

officials. In this case also, the respondent having received notice on 09.06.2017 has not implemented the orders. 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. Though it is a fit case to send the respondent to civil prison for his willful disobedience, since he has pleaded unconditional apology and also given some reason, though not acceptable and that he is at the fag end of his service, ends of justice would be met, by imposing fine of Rs.25,000/- (Rupees twenty five thousand only) to be payable from his pocket to the petitioner for his willful disobedience to the order of this Court. The amount shall be paid within a period of eight (8) weeks from today, failing which he shall undergo simple imprisonment for a period of two (2) weeks for which necessary steps would be taken by the Registrar of this Court.

Since it is stated by the learned counsel for the petitioner that the present Tahsildar, Gantyada Mandal, has also not implemented the orders passed by this Court, the

same may be taken as *suo moto* contempt against him and the Registrar (Judicial) is directed to register the Contempt Case against the present Tahsildar, Gantyada Mandal, Srungavarapu Kota, Vizianagaram District and issue notice to him.

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

13-03-2018
kvs



A.RAJASHEKER REDDY, J

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Contempt Case No. 745 OF 2017



Date: 13.03.2018

kvs

