

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CONTEMPT CASE No.1163 of 2018

ORDER:

This Contempt Case, under Sections 10 to 12 of Contempt of Courts Act, 1971, is filed by the petitioner/writ petitioner complaining wilful disobedience of an interim order of this Court, dated 03.04.2018, in I.A.No.1 of 2018 in W.P.No.10999 of 2018.

2. I have heard the submissions of Sri *K.Ramachandra*, learned counsel appearing for the petitioner/writ petitioner; and of Sri *Sricharan Telaprolu*, learned Standing Counsel appearing for the respondent/4th respondent institution. I have perused the material record.

3. From the material record and submissions made, it is noticeable that the issue is with regard to return of original certificates of the petitioner by the 4th respondent without insisting upon payment of any fee by the petitioner. This Court, having noted that the issue involved in the writ petition is squarely covered by an interim order, dated 19.02.2018, of this Court in I.A.No.1 of 2018 in W.P.No.2556 of 2018, granted an interim order to the writ petitioner herein also in the afore-stated interlocutory application and directed the 4th respondent to complete the necessary exercise within seven (07) days from the date of receipt of a copy of this order. Complaining non-compliance of the said order, the present contempt case is filed.

4. Learned counsel for the petitioner submits that despite the orders of this Court, original certificates are not returned and that the 4th respondent institution is insisting upon payment of fee to a

tune of Rs.1,60,000/- and that the petitioner is not only not liable but also not in a position to pay the same, and that the conduct of the 4th respondent in not returning the original documents and insisting upon payment of the fee is a wilful disobedience of the orders of this Court and, therefore, the 4th respondent is liable to be punished for contempt of Court.

5. However, learned Standing Counsel appearing for the 4th respondent institution stated that the order of this Court is only an interim order and that in the event the original certificates are returned and the petitioner takes them away during the pendency of the writ petition and that, if the writ petition stands dismissed ultimately, the 4th respondent institution may not be in a position to realize the fee due and payable by the petitioner and that, therefore, the 4th respondent institution is prepared to comply with the order, provided the petitioner pays the fee payable or undertakes to pay the fee payable, subject to the result of the writ petition.

6. On the last date of hearing, after the submissions are heard in part, learned counsel for the petitioner submitted that the petitioner is prepared to file an undertaking affidavit stating that he would abide by the final result in the writ petition and the 4th respondent institution may be directed to return the original certificates to the petitioner on the petitioner filing an undertaking affidavit. This Court recorded the said submission.

7. Accordingly, the petitioner filed an undertaking affidavit undertaking that he would abide by the final result of the writ petition and that he will not withdraw the writ petition after

compliance of the interim orders by the 4th respondent institution and that the undertaking may be recorded and the 4th respondent may be directed to comply with the interim order of this Court.

8. A copy of the undertaking affidavit is furnished to the learned Standing Counsel for the 4th respondent institution and he endorsed the submission of the learned counsel for the petitioner.

9. Recording the submissions and the undertaking afore-stated given by the petitioner, the Contempt Case is disposed of directing the 4th respondent institution to return the original certificates to the petitioner under proper acknowledgment forthwith and in any event, within one (01) week from the date of receipt of a copy of this order, subject to the result of the writ petition and without insisting upon payment of fee at this stage.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

Date: 31st August, 2018

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68

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**CONTEMPT CASE No.1163 of 2018**Date: 31st August, 2018

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