

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CONTEMPT CASE No.1283 OF 2018

ORDER:

This Contempt Case is filed against the respondent alleging wilful disobedience of the order, dated 25.04.2018, passed by this Court in W.P.No.14060 of 2018.

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Home, appearing for the respondent. I have perused the material record.

3. To begin with, it is to be noted that the operative portion of the order in the afore-stated Writ Petition reads as under:

“Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent to act on the request of the Inspector of Police, Madhapur, Cyberabad, in the letter, dated 27.03.2018, in accord with the procedure established by law, as expeditiously as possible, preferably, within ten (10) days from the date of receipt of a copy of this order. There shall be no order as to costs.”

4. The case of the petitioner is that the afore-stated order of this Court is not deliberately complied with, despite the fact that the petitioner furnished to the respondent, a copy of the afore-stated order immediately on the next day, that is, on 26.04.2018, and her counsel also addressed a letter on the same day by enclosing a copy of the afore-stated order of this Court and the same was received in the office of the respondent, on 26.04.2018. He would, therefore, contend that the respondent is liable to be punished for contempt of Court as per law for wilful disobedience shown to the orders of this Court.

5. The respondent filed a counter and also copies of the letter, dated 27.03.2018, addressed by the Inspector of Police, Madhapur Police Station, to the Commissioner of Police, Cyberabad, and Memo No.162/CCRB/CYB/2018, dated 02.04.2018, of the Commissioner of Police, Cyberabad, and *inter alia* submitted that this Court disposed of the Writ Petition, on 25.04.2018, but the proposal submitted by the Inspector of Police, Madhapur, was returned, on 02.04.2018, by the Commissioner of Police, Cyberabad, by issuing the afore-stated Memo much earlier to the passing of orders by this Court, on 25.04.2018.

6. In that view of the matter, the contention of the respondent is that even before orders are passed by this Court, necessary action was taken.

7. However, the petitioner filed a reply *inter alia* stating that after the orders of this Court are passed and the contempt proceedings are initiated, the respondent filed a counter affidavit by stating that the order of return was passed on 02.04.2018, only to mislead the Court. Learned counsel for the petitioner would further submit that the said rejection/return order is ante-dated. It is also the case of the petitioner that the petitioner met the respondent personally many times from 05.04.2018 onwards and even after filing of the Contempt Case, but, the petitioner was never informed about the memo, dated 02.04.2018.

8. I have given earnest consideration to the facts and submissions.

9. The respondent placed on record the copy of the memo, dated 02.04.2018, and also the copies of the relevant pages of the tappal books of the Police Station and the Office of the Commissioner to show the dispatch of the memo and to substantiate the contention that the rejection/return order *vide* the said memo was not ante-dated, but, was

duly passed only on 02.04.2018. The original Tappal Books were also produced during the course of hearing. A copy of the letter, dated 17.04.2018, addressed by the Additional Director General of Police, Crime Investigation Department, Hyderabad, to the Joint Director, Immigration Branch, Ministry of Home Affairs, Government of India, East R K Puram, Sector-I, New-Delhi-66, is also produced during the course of hearing and is placed on record to substantiate the contention that by the said letter, dated 17.04.2018, a request was already made to renew/continue the LOC for one more year.

10. Learned Government Pleader as matter of clarification submits that on the date the writ was disposed of, the learned Government Pleader for Home was not made aware of the true position obtaining as on that date and that he made his submissions before this Court on that day on the instructions given by an Officer, who was also not aware of the rejection/return order already passed, and hence, the order in the writ petition has come to be passed, on 25.04.2018, though by that date, the respondent acted on the request of the Inspector of Police, Madhapur, Cyberabad, and had already done what was needful in the matter.

11. In view of the above said record produced by the respondent, which overwhelmingly supports the contention of the respondent that the rejection/return order was passed *vide* memo, dated 02.04.2018, and that no act of ante-dating as alleged by the petitioner was done in the matter by the respondent, this Court finds that the submissions of the respondent need countenance. As a consequence, this Court holds that this Contempt Case does not lie as even by the date of disposal of the Writ Petition, the respondent had already returned the proposal

submitted by the Inspector of Police, Madhapur, by issuing Memo No.162/CCRB/CYB/2018, dated 02.04.2018, that is, much earlier to the disposal of the writ petition by this Court by order dated 25.04.2018.

12. For the aforestated reasons, this Court holds that the contempt case does not lie. Accordingly, the Contempt Case is closed.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Contempt Case shall stand closed.

July 11, 2018
MD



M.SEETHARAMA MURTI, J