

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE MS JUSTICE J.UMA DEVI

Contempt Case No.1965 of 2017

ORDER: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This contempt case is filed alleging violation of the order passed by us in W.A.No.940 of 2017 dated 31.07.2017. We had, in the aforesaid order, observed that, since some of the members of the appellant-association were also the members of the 1st respondent-association, they were also entitled to be treated on par with all other members of the 1st respondent-association. We had directed the name boards placed by the appellant-association, in the premises of the 1st respondent-association, to be removed forthwith; the locks which the appellant-association had placed on the rooms to be removed; and the keys handed over to the President of the 1st respondent-association. While directing members of the appellant-association to pay the entire arrears of subscription fee to the 1st respondent-association, we observed that, on such payment, all those members of the appellant-association, who were also members of the 1st respondent-association, shall be extended the same treatment/facility, as was being extended to other members of the 1st respondent-association, with regards utilisation of the subject premises. This arrangement was directed to be maintained till the Writ Petition, pending before the Learned Single Judge, was disposed of.

On the ground that the vacant rooms, and the halls in the A.P.NGOs' Association building, were not made available to members of the appellant-association (i.e appellant in W.A.No.940 of 2017), who were also members of the 1st respondent-association

(1st respondent in W.A.No.940 of 2017), our contempt jurisdiction is invoked.

While several complaints are made, regarding certain portions of the said building having been let out to private parties, it now transpires that these leases were all entered into either before the State was bifurcated on 02.06.2014, or before the order passed by us in W.A.No.940 of 2017 dated 31.07.2017. It is only the available space, as on the date of our order i.e 31.07.2017, that all the members of the respondent-association are entitled to utilise. It is now brought to our notice that there are 15 vacant rooms, one mini-hall and a big hall available for utilisation in the A.P.NGOs' Association building.

While Sri J.Kanakaiah, learned counsel for the petitioner, would claim exclusive use of one of the rooms, Sri Vedula Venkata Ramana, learned Senior Counsel appearing on behalf of the respondent-contemnor, would submit that such exclusive allocation is not stipulated in the order violation of which is alleged in this contempt case, and all that the members of the appellant-association in W.A.No.940 of 2017, who are also members of the respondent-association, were permitted, by the order in W.A.No.940 of 2017 dated 31.07.2017, is to utilise the available space on par with other members of the respondent-association. We find considerable force in this submission of the learned Senior Counsel.

Yet another complaint, urged on behalf of the petitioner, is that there is no person available to receive the requisition for allotment of vacant rooms, or for grant of permission to hold meetings in one of the available halls in the A.P.NGOs' Association

building. Both the President and the Secretary of the respondent-association are, presently, working at Amaravathi. While Sri Vedula Venkata Ramana, learned Senior Counsel, would submit that they can always be contacted over phone, Sri J.Kanakaiah, learned counsel for the petitioner, would contend that they are never accessible on phone. It is wholly unnecessary for us to dwell on this issue any longer, as Sri Vedula Venkata Ramana, learned Senior Counsel appearing on behalf of the respondent-contemnor, would fairly state that, in the additional counter-affidavit filed by the respondent-contemnor, it is averred that, if any member wants a room, he could give his particulars and enter the same in the register maintained by the association in the custody of Mr.Afsar or, if any grievance is experienced, a member could contact either the President or the Secretary over phone in respect of accommodation of rooms. Learned Senior Counsel would also submit that the mobile number of Mr.Afsar is '998992300' over which any member of the respondent-association, even if he be a member of the appellant-association, would be entitled to contact and seek accommodation in any of the vacant rooms available in the A.P.NGOs' Association building.

While the additional counter-affidavit does not specifically state how the available halls should be utilised, the order passed by us earlier would require access to be provided to the members of the respondent-association (even if they be the members of the appellant-association) to these halls for mutual discussions, provided these halls are vacant and available for use.

Sri Vedula Venkata Ramana, learned Senior Counsel, would fairly state that, if a written requisition is given indicating the

members who wish to hold meetings, such a requisition would be considered, and halls would be made available, provided they are vacant on that day. In the light of the submission now made by Sri Vedula Venkata Ramana, learned Senior Counsel appearing on behalf of the respondent-contemnor, we see no reason to take action, against the respondent, under the Contempt of Courts Act.

Recording the submission of Sri Vedula Venkata Ramana, learned Senior Counsel, as noted hereinabove, the Contempt Case is closed. Contempt Applications pending, if any, shall also stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

13th April, 2018
JSU



THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS JUSTICE J.UMA DEVI



Contempt Case No.1965 of 2017

Date: 13.04.2018

JSU