

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

CONTEMPT CASE NO.475 OF 2017

ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

The order of this Court, violation of which is alleged in this Contempt Case, is the order passed by us in W.A.No.1072 of 2016 and W.P.No.30118 of 2016 dated 31.10.2016 whereby the impugned order was treated as a show cause, the appellants-writ petitioners were permitted to submit their reply thereto within two weeks from that date (i.e.15.11.2016), and the respondent-Tahsildar was directed to dispose of their objections within two months from the date of its receipt. Liberty was granted to the Tahsildar, in case the appellants did not file their objections within two weeks, to pass an order afresh in accordance with law.

Sri V.Ravi Kiran Rao, learned counsel for the petitioners, would submit that objections were filed on 10.11.2016. On the other hand, the learned Government Pleader for Revenue would submit that one of the petitioners had submitted his objections on 10.11.2016, and the other had submitted his objections only on 06.01.2017. Even if 06.01.2017 is taken as the date of receipt of the objections, the respondent herein was required to consider and pass an order within two months thereafter i.e. by 06.03.2017. The order was eventually passed only on 10.07.2016, more than a year and four months after the time limit specified by this Court had expired.

Learned Government Pleader for Revenue would request this Court to take note of the averments in the counter affidavit, filed in

the Contempt Case, whereby the Tahsildar had sought to explain the delay. It needs no reiteration that, in exercise of its jurisdiction under the Contempt of Courts Act, 1971, this Court would not go behind the order to examine whether the order is valid or otherwise, or whether the Court was justified in specifying a time-frame to pass an order. If the respondent had any difficulty in complying with the order, within the time stipulated therein, he ought to have filed an application in the Writ Appeal/Writ Petition seeking extension of time to pass the order. The respondent has chosen not to do so, and is now seeking to justify his failure to pass the order within the time stipulated by this Court. The present Contempt Case was filed as early as on 13.03.2017. It is nearly one year and four months, after institution of contempt proceedings, was the order eventually passed. The Tahsildar has not choose to file an application seeking extension of time to pass the order, either in the Writ Appeal/Writ Petition, even after institution of the contempt proceedings. His failure to comply with the order within time is wilful and deliberate. We see no reason, therefore, to ignore the inordinate delay in compliance merely because he has tendered his apology, in the affidavit filed by him, on 03.08.2018. It is only if the apology is an expression of genuine remorse or regret need such an apology be accepted. We are satisfied that, in the present case, the apology is made only to avoid being punished under the Contempt of Courts Act.

We are satisfied that the order was not complied with, within the time stipulated in the order, and such violation is wilful and deliberate, for nothing prevented the respondent from making an application, in the Writ Appeal/Writ Petition, seeking extension of

time to pass an order highlighting whatever difficulties he may have had in complying with the directions of this Court. The very fact that he chose to ignore the orders of this Court, calling upon him to comply with it within a specific time-frame, would show his indifference to his obligation to comply with the order within time.

However, considering the fact that he eventually passed an order, and sentencing him to undergo imprisonment, may affect his future career prospects, we consider it appropriate to impose on him a fine of Rs.2,000/- (Rupees two thousand only) which he shall pay within four (4) weeks from today, and file proof of payment with the Registrar (Judicial) of the High Court, failing which he shall undergo simple imprisonment for a period of one (1) week.

The Contempt Case is accordingly closed. Miscellaneous applications, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

(KONGARA VIJAYA LAKSHMI, J)

10th September 2018
RRB