

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.364 OF 2016

ORDER :

This Contempt Case is filed alleging violation of the order, dated 21.04.2015, passed in W.P.No.11229 of 2015.

2. This Court disposed of the aforesaid Writ Petition, at the stage of admission, taking into consideration the specific assertion of the petitioner that she filed application in Form VI (A) under the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act'), seeking mutation of her name and issuance of a pattadar passbooks and title deeds in respect of the land to an extent of Ac.1.17 cents in Survey No.70/8, situated in Durgasamudram Village, issued a direction to the 3rd respondent therein to complete the entire process within a period of six (6) months from date of the order and pass appropriate orders thereon in accordance with law.

3. The respondent filed a counter-affidavit in the Contempt Case stating that the application filed by the petitioner through Mee-Seva was considered and rejected on 05.04.2014 and intimation to that effect was also communicated to the petitioner's mobile number, which is recorded with the Department. Taking into consideration the manner and method in which the application of the petitioner, dated 04.04.2014, came to be rejected without enquiry, this Court came to the conclusion that such disposal was not contemplated under the Act and issued a notice to the respondent. After receipt of the notice, the respondent filed

an affidavit stating that he was not the Officer at the relevant point of time and his predecessor Sri G.Maruthi, who has signed the endorsement, was transferred and working as the Tahsildar at D.Hiralal Mandal, Anantapur District.

4. Thereafter, this Court, by an order, dated 14.12.2016, *suo motu* ordered to implead the said Sri G.Maruthi in the contempt case. Pursuant to the notice issued Sri G.Maruthi, Tahsildar, appeared before this Court and admitted that he was new to the procedure and he was under the impression that the applications have to be disposed of online. Noticing that the land claimed by the petitioner was recorded as the Government land in the revenue records, the application was rejected on 05.04.2014 itself. However, he admitted that under relevant Rules, he is required to make an enquiry in terms of the Act, particularly Rule 9 of the Rules, but he failed to do the same. He pleaded ignorance of the procedure and prayed to excuse him.

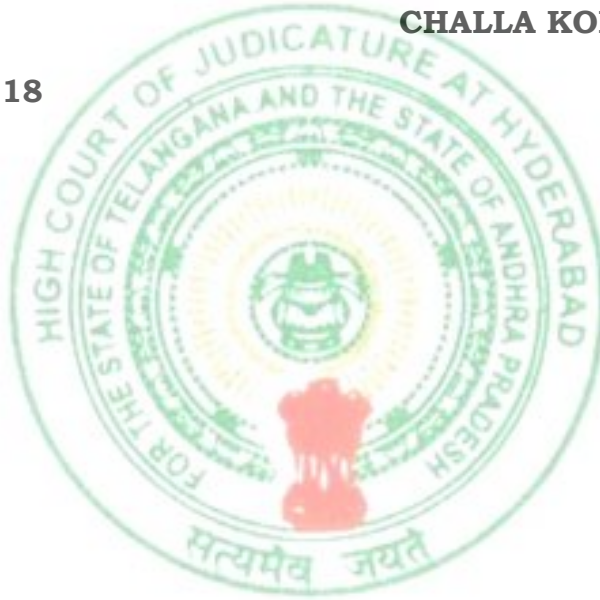
5. Having considered the respective submissions, mere inefficiency in implementing the orders of this Court cannot be construed as contempt committed by the respondent. The officer concerned had not shown diligence, which is required to be shown in handling the applications under the Act. The orders passed under the Act are appealable orders, the procedure does not contemplate disposal of the applications on-line without enquiry. The on-line disposal would only be an intimation, as, admittedly, there is no detailed order, except intimating that the petitioner's

application was rejected. However, as the respondent pleaded that such disposal was only on account of ignorance, taking a lenient view by imposing a fine of Rs.2,000/- (Rupees two thousand only) on Sri G.Maruthi, Tashildar, payable to the Registrar (Judicial) within ten (10) days from the date of receipt of a copy of the order, the Contempt Case is closed

Miscellaneous petitions, if any, pending in this contempt case closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

JUNE 20, 2018
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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM



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Date:20.06.2018

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