

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CONTEMPT CASE NO.2063 OF 2016

DATED:23-02-2018

Between:

Mrs. Wajida Khatoon ... Petitioner

And

Sri Rahul Bojja, IAS
District Collector,
Hyderabad District
Hyderabad ... Respondent

COUNSEL FOR THE PETITIONER: Mr. Karuna Sagar

COUNSEL FOR THE RESPONDENT: G.P. for Assignment
(TS)



THE COURT MADE THE FOLLOWING:

ORDER:

This contempt case is filed alleging wilful disobedience of order dt.27.12.2013 in W.P. No.38449 of 2013.

2. By the aforementioned order, this Court has directed the petitioner to make a representation to the respondent for transfer of the rights of the land within one month and on such representation, the respondent was directed to implement G.O. Ms. No.690, dt.28.06.2011 subject to the writ petitioners complying with the conditions A to E of paragraph 6 of the said G.O. A further direction was issued to the respondent to pass an order in writing and communicate the same to the petitioners, if he has any reason for not implementing the said G.O. within the stipulated time. Alleging disobedience of the said order, this contempt case is filed by petitioner No.1 in the writ petition.

3. A detailed counter affidavit has been filed by the respondent wherein he has *inter alia* stated that he has passed an order on 05.3.2016 in Lr. No.12/9680/2008 rejecting the claim of the writ petitioners. He has also explained the delay in passing the said order by stating that he was not the District Collector till 17.08.2015 when he was transferred from Medak District to Hyderabad District and that after he assumed the

charge, he passed the order as per the direction granted by this Court. He has also pleaded that the contempt case filed much beyond one year from the date of passing of the order, the wilful disobedience of which has been complained of, is barred by limitation under Section 20 of the Contempt of Courts Act, 1971.

4. As regards the limitation, learned counsel for the petitioner submitted that no specific time limit was stipulated in the order of this Court and therefore, it cannot be said that the limitation for filing the contempt case has commenced at any particular point of time. I am unable to accept the said submission, because, a proper reading of the order of this Court would show that the respondent was directed to pass an order in writing “within the stipulated time”, if he has any reason for not implementing G.O. Ms. No.690. The words “within the stipulated time” shall be understood in the light of the time granted to the petitioner for making a representation. As the petitioner was granted one month’s time for making the representation, it is implied therefrom that the respondent was also liable to pass an order within similar time in the event of his not implementing G.O. Ms. No.690. Therefore, it is reasonable to presume that the said order has stipulated one

month's time for the respondent to dispose of the representation. While the order in the writ petition was passed on 27.12.2013, the petitioner filed the contempt case in December, 2015. Even if the most liberal view is taken, the contempt case is barred by limitation.

5. In the light of the above facts, I do not find any reason to proceed with the contempt case. The contempt case is accordingly dismissed, however, with liberty to the petitioner to avail appropriate legal remedy, if she feels aggrieved by order dt.5.3.2016 in Lr. No.12/9680/2008 passed by he respondent.

23-02-2018

bnr

C.V. NAGARJUNA REDDY, J

