

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Contempt Case No.2536 of 2017

ORDER :

This Contempt Case is filed alleging violation of order passed by this Court in WPMP No.3898 of 2017 in W.P.No.3292 of 2017 on 04.04.2017, wherein and whereby this Court granted interim order as follows:

“In view of the same, the 5th respondent is directed to implement the Memo No.41025/JA.2/2009, dated 03.05.2013 and Memo No.41025/EA&AR/A1/2009-4, dated 14.08.2015 with respect to reclassification of the subject land, if no classification is received from Government within eight (8) weeks.”

Learned counsel for the petitioner submits that after completion of eight weeks, petitioner made representation dated 24.06.2017 for implementation of the order passed by this Court. But the 5th respondent failed to implement the same.

Counter affidavit is filed by the respondent denying the averments in the affidavit filed in support of the Contempt Case justifying his action for not implementing the order passed by this Court stating that order from the State Government is awaited in the matter.

In this case, it is to be seen that the interim order passed by this Court on 04.04.2017. The petitioner made representation after completion of the period specified in the order i.e., after eight weeks on 24.06.2017. As the order passed by this Court is not implemented within the period stipulated by this Court, petitioner

filed Contempt Case on 17.11.2017 and the counter affidavit is filed on 29.12.2017.

This Court has specifically directed the respondent to implement the memos dated 03.05.2013 & 14.08.2015, if no clarification is received from the Government, within a period of eight weeks. The District Collector has also sought for clarification earlier on the same issue for implementing the proceedings dated 03.05.2015 and that the Government after getting recommendations of the Chief Commissioner of Land Administration, issued proceedings dated 03.05.2013 vide Memo No.41025/JA.2/2009 and the Government reiterated the same and issued proceedings dated 14.08.2015 vide Memo No.41025/EA & AR/A1/2009-4. When that was the situation, this Court has specifically directed for implementation of the memos, if no clarification is received within a period of eight weeks, but the same has not been implemented. Even in the counter affidavit it is stated that the orders are awaited in the matter from the government, wherein Government already clarified the issue.

The matter was admitted on 24.01.2018 against the respondent and underwent several adjournments at the instance of the learned Assistant Government Pleader for Revenue i.e., on 21.02.2018, 14.03.2018, 06.04.2018, 13.04.2018, 20.04.2018, 15.06.2018 and also on 22.06.2018 and that the respondent was also present on several occasions. In spite of the specific orders from this Court, the order passed by this Court is not implemented by the respondent.

Learned Assistant Government Pleader for Revenue submits that Writ Appeal has been filed, but no stay orders are produced.

Learned counsel for the petitioner submits that in spite of having knowledge about the orders passed by this Court he has not implemented the orders passed by this Court, which is nothing but willful violation of order passed by this Court. The unconditional apology cannot be accepted as same is not genuine.

Except stating baldly that orders are awaiting from the Government, he has not offered any cogent reasons for not implementing the orders passed by this Court. The explanation offered in the counter affidavit by the respondent is not at all satisfactory and that it is given only to wriggle out of this Contempt Case. The unconditional apology offered by him does not appear to be a genuine one and not in good faith. If the officials of the Government like respondent takes the orders of this Court very lightly, they cannot be let off like that. The attitude of the respondent goes to show that he is not only negligent but also has no respect for the orders passed by this Court, thereby willfully disobeyed the orders passed by this Court.

In these days, it has become habit for the officials not to implement the orders passed by this Court in many cases.

Only after Contempt Cases are filed, the orders passed by this Court are being implemented. It is very unfortunate situation that in some Contempt Cases, even after receiving notices, the orders are not being implemented by the officials. In this case also, the respondent having received notice on 08.12.2017 has not implemented the orders. These facts would clearly show that the respondent has utter disregard to the orders passed by this Court.

The facts and circumstances narrated above would clearly show that the respondent in utter disregard to the orders of this Court, willfully violated the same. The apology tendered by him in the affidavit is a mere pretence and in a routine manner, does not deserve any sympathy, since the subsequent events even after admission of the contempt case disclose the continuous disobedience of the order of the Court. The disobedience is so serious and patent, leaves this court with no option except to punish the respondent for committing contempt of Court.

For all the foregoing discussions and conclusions, this Court, holding the respondent is guilty of contempt of this Court under [Section 2\(b\)](#) of the Contempt of Courts Act, 1971 read with [Article 215](#) of the Constitution of India, hereby sentences him to undergo simple imprisonment for a period of one month. Taking into account the ordeal faced by the

petitioner in this case, this Court is also inclined to impose fine of Rs.20,000/- (Rupees twenty thousand only) payable to the petitioner from his pocket, within a period of three weeks, in default to undergo further imprisonment for two weeks. However, this order remains suspended for a period of four weeks to enable the respondent to prefer appeal.

The Contempt Case is accordingly allowed. As a sequel thereto, miscellaneous applications, if any, pending in this Contempt Case shall stand closed.

29-06-2018
kvs



A.RAJASHEKER REDDY, J

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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