

HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN  
AND  
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE No.2562 of 2017

ORDER: *(per the Hon'ble Sri Justice Ramesh Ranganathan)*

The order, violation of which is alleged in this Contempt Case, is the order passed by a Division Bench of this Court in W.P. (PIL) No.195 of 2017 dated 21.08.2017.

2. The said writ petition was filed challenging the inaction of the respondents in constituting the Telangana State Commission for Debt Relief (Small Farmers, Agricultural Labourers and Rural Artisans) under Section 3 of the Telangana State Commission for Debt Relief (Small Farmers, Agricultural Labourers and Rural Artisans) Act, 2016 (for short, 'the Act of 2016'). Recording the undertaking of the learned Special Government Pleader that the Commission would be constituted within three months from the date of the order, the writ petition was disposed of.

3. Sri Y. Balaji, learned counsel for the petitioner, would submit that, when the writ petition was filed, the Act of 2016 required the Commission to be headed by a retired Judge of the High Court; the Governor had, during the pendency of the writ petition, issued an Ordinance, *vide* Telangana Ordinance No.1 of 2018, whereby Section 3(2)(i) of the Act of 2016 was amended and, instead of a retired Judge, an eminent person was substituted; as the order of this Court required a retired Judge to be appointed as the Chairman, the action of the respondent, in appointing a person who is not a

retired Judge as the Chairman of the Commission is in violation of the order passed by this Court, and necessitates action being taken against the respondent under the Contempt of Courts Act.

4. We must express our inability to agree. The order passed by the Division Bench of this Court, in W.P. (PIL) No.195 of 2017 dated 21.08.2017, only required the respondents to constitute a Commission in terms of Act of 2016. It did not disable the Governor from amending Act of 2016 by way of Telangana Ordinance No.1 of 2018. In any event, the validity of Telangana Ordinance No.1 of 2018 cannot be examined in Contempt proceedings. As the Commission has been constituted, in terms of the order of the Division Bench in W.P. (PIL) No.195 of 2017 dated 21.08.2017, we see no reason to proceed against the respondent under the Contempt of Courts Act.

4. Leaving it open to the petitioner, if he so chooses, to question the validity of Telangana Ordinance No.1 of 2018 in appropriate legal proceedings, the Contempt Case is closed.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

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THOTTATHIL B. RADHAKRISHNAN, CJ

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RAMESH RANGANATHAN, J

Date: 16.07.2018  
va/vs