

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Contempt Appeal No.35 of 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal is preferred, under Section 19 of the Contempt of Courts Act, against the order passed by the Learned Single Judge in Suo Motu C.C.No.2390 of 2017 dated 15.12.2017 whereby the Learned Single Judge punished the appellant herein to undergo simple imprisonment for two months and to pay a fine of Rs.2,000/-.

The Contempt Case was instituted suomotu, as the appellant had issued a show cause notice, in terms of the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act") and the Rules made thereunder, calling upon the petitioner in W.P.No.34916 of 2017 (for short "the writ petitioner") to show cause why the subject assigned lands should not be resumed, as transfer of assigned lands was prohibited in terms of the Act.

The appellant had, while issuing the proceedings impugned in the Writ Petition, failed to notice that the petitioner had earlier filed W.P.No.13973 of 2017 which was allowed by order dated 28.04.2017 holding that, since particulars had not been furnished in the notice given to him under the Act, the order impugned therein was liable to be set aside. However, liberty was granted to the appellant herein to issue notice afresh with all particulars as to what was the nature of assignment, when the assignment was granted, and in whose favour the assignment was granted.

Despite the order of this Court, in W.P.No.13973 of 2017 dated 28.04.2017, the appellant herein issued a notice afresh under the Act without giving any of the particulars he was directed to furnish in terms of the order of this Court in W.P.No.13973 of 2017 dated 28.04.2017. This

the Learned Single Judge has held to be contumacious necessitating punishment being imposed under the Contempt of Courts Act. The Learned Single Judge found that the apology tendered by the appellant was not out of remorse, but was merely an act to avoid punishment under the Contempt of Courts Act.

While we see no reason to hold that the Learned Single Judge had erred in proceeding against the appellant, for his failure to comply with the earlier order of this Court in W.P.No.13973 of 2017 dated 28.04.2017, the learned Special Government Pleader, appearing on behalf of the learned Additional Advocate General, would submit that the appellant has since withdrawn both the notice dated 04.08.2017 and the subsequent order of cancellation of resumption dated 04.10.2017 which were impugned in W.P.No.34916 of 2017; the appellant has purged himself of contempt on his having withdrawn the proceedings impugned in the writ petition; he expresses his unconditional and sincere apology for having violated the order of this Court; he would, henceforth, ensure that the orders of this Court are followed both in letter and spirit; and, since he has around 15 years of service still left, permitting the order of punishment to stand would destroy his future career prospects.

Sri C. Naresh Reddy, learned counsel for the writ petitioner, would submit that, since contempt proceedings were initiated by the Court *suo motu*, the writ petitioner has no say in the matter.

While violation of the earlier order passed by this Court by the appellant herein is no doubt contumacious, the fact remains that the appellant has withdrawn, *albeit* subsequently, both the show cause notice dated 04.08.2017 and the subsequent order dated 04.10.2017. As he expresses remorse and regret for his violation, and permitting the order under appeal to stand may well damage the appellant's future career

prospects, we consider it appropriate to set aside the order under appeal cautioning the appellant not to repeat such acts in future.

The order under appeal is set aside and the Contempt Appeal is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(M.S.K.JAISWAL, J)

31st January, 2018
JSU



**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**



Contempt Appeal No.35 of 2017

Date: 31.01.2018

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