

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CONTEMPT CASE NO.592 OF 2018

ORDER

This Contempt Case is filed by the petitioner alleging willful disobedience of the order dt.07.11.2017 in W.P.M.P.No.42181 of 2017 in W.P.No.33909 of 2017.

2. The said order reads as under:

“Prima facie, 5th respondent could not incorporate the name of 8th respondent in respect of the subject land deleting the name of the petitioner’s husband which was already there without issuing any notice to the petitioner, on the basis of 13B certificate issued by him, to which the petitioner is not a party.

There has thus been gross violation of principles of natural justice.

Therefore, there shall be interim suspension as prayed for.”

3. The petitioner has filed this Contempt Case on 05.03.2018 contending that though this interim order is passed on 07.11.2017, the pahani copy issued to the petitioner on 16.02.2018 by Mee Seva Centre did not remove the name of the 8th respondent in the Writ Petition and incorporate the name of the petitioner’s husband which the respondent ought to have done.

4. On 20.03.2018, notice was directed to the respondent. The matter was again listed on 05.10.2018 and later on 25.10.2019. On 01.11.2019, notice in Form-I was issued to the respondent. On 05.12.2019, the Government Pleader for Revenue sought time to file counter. The matter was directed to be listed on 13.12.2019 and the

respondent was directed to appear on 13.12.2019. On 13.12.2019, since the respondent did not appear or file any counter, bailable warrant was issued to the respondent for ensuring his appearance on 20.12.2019 i.e., today.

5. Today, the respondent has appeared through Sri K.Rama Subba Rao, learned Advocate.

6. In the counter affidavit filed by the respondent, he stated that on 10.11.2017 itself, he had passed an order implementing the interim order dt.07.11.2017 in W.P.M.P.No.42181 of 2017 in W.P.No.33909 of 2017.

7. This averment does not appear to be *prima facie* correct for the reason that the order dt.10.11.2017 records that copies thereof have been forwarded to this Court, the District Collector, Adilabad District, the Mandal Revenue Officer, Adilabad, the counsel for the petitioner and also to the petitioner. But no evidence of service of these orders on any of these parties is filed before this Court by the respondent.

8. Also, if the said order had been passed on 10.11.2017, its effect would have been reflected in the pahani dt.16.02.2018 which the petitioner had filed along with the Contempt Case. The fact that it is not so reflected in the online pahani issued by the Mee Seva Centre also shows that this order was prepared later and backdated as 10.11.2017 just to give an impression to this Court that the order had been complied with within time. This Court deprecates this conduct of the respondent in trying to mislead the Court that he had in fact

implemented its order dt.07.11.2017 in W.P.M.P.No.42181 of 2017 in W.P.No.33909 of 2017 on 10.11.2017 itself.

9. Accordingly, the Contempt Case is allowed. The respondent is sentenced to one week imprisonment with a fine of Rs.2,000/- (Rupees two thousand only) which shall be paid within four weeks from today. The petitioner shall deposit subsistence allowance/batta at Rs.250/- (Rupees two hundred and fifty only) per day. The sentence of imprisonment imposed on the respondent is suspended for a period of four weeks.

M.S.RAMACHANDRA RAO, J

20th DECEMBER, 2019

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