

High Court for the State of Telangana

The Hon'ble The Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A. Abhishek Reddy

C.C. No. 3007 of 2018

Date: 06-11-2019

Between:

Telangana Vyavasaya Vrutidarula Union (TVVU)
Telangana Agricultural Labour Artisan Union
Hyderabad, rep. by its General Secretary
M. Venkataiah

...Petitioner

And

Rajesh Thiwari IAS
Prl. Secretary, Revenue Department,
Secretariat Buildings, Hyderabad and 4 others.

...Respondents

Counsel for the petitioner: Mr. K. S. Murthy

**Counsel for the respondent: Mr. C.V. Bhaskar Reddy
GP for Revenue**

The Court made the following:

Order: (per Hon'ble The Chief Justice Raghendra Singh Chauhan)

The complainant has filed the present Contempt Case ostensibly on the ground that the order dated 24-04-2018, passed by a learned Coordinate Bench in W.P. (PIL) No. 102 of 2018 has not been complied with by the alleged contemnors.

By order dated 24-04-2018, the learned Coordinate Bench had directed the alleged contemnors to comply with the order dated 21-10-2013, passed by another learned Coordinate Bench in PIL. No. 35 of 2012.

By order dated 21-10-2013, while dismissing PIL. No. 35 of 2012 *inter alia* on the ground that the complainant did not have *locus standi*, the learned Coordinate Bench had directed the Government to make an enquiry into the matter with regard to the claim of the respondent No. 5 therein as he had not produced any document to justify his claim. Thus, according to the order dated 24-04-2018, the enquiry had to be conducted. According to the complainant, no such enquiry has been conducted by the alleged contemnors. Hence, contempt has been committed by the alleged contemnors.

The Tahsildar, Hunwada Mandal, respondent No. 4, has filed his counter-affidavit. According to the counter-affidavit, in accordance with the order passed by the learned Coordinate Bench in PIL. No. 35 of 2012, an enquiry was, indeed, held, and on 27-01-2014, an enquiry report was submitted to the office of the Revenue Divisional Officer (RDO). A copy of the enquiry report has been submitted before this Court in order to buttress the said plea. Therefore, according to the learned counsel for the alleged contemnors, no contempt has been committed as even prior to passing of the order dated 24-04-2018, the order dated 21-10-2013, had been complied with.

On the other hand, the learned counsel for the complainant submits that a copy of the enquiry report has not been served upon the complainant. Therefore, the complainant is in the dark with regard to the holding of the enquiry.

Secondly, despite the fact that the Tahsildar has requested the RDO to take further steps, so far, no necessary steps have been taken by the RDO. Therefore, according to the learned counsel for the complainant, the contempt continues to be committed by the alleged contemnors.

Heard the learned counsel for the parties, and perused the record submitted by respondent No. 4.

Admittedly, by order dated 21-10-2013, the learned Coordinate Bench had directed the alleged contemnors to conduct an enquiry. Undoubtedly, on 27-01-2014, an enquiry was conducted by the Tahsildar, and the enquiry report was submitted to the RDO. Thus, the order dated 21-10-2013, has been carried out even prior to the passing of the order dated 24-04-2018. Hence, no contempt has been committed by the alleged contemnors. In case the complainant continues to be aggrieved by the enquiry report, and by the lapse on the part of the authorities in not taking any action on the basis of the said enquiry report, the complainant has an independent cause of action.

For the reasons stated above, this Court does not find any merit in the present Contempt Case. Therefore, it is, hereby, dismissed.

As a sequel, miscellaneous petitions, pending if any, stand dismissed as infructuous.

(Raghvendra Singh Chauhan, CJ)

(A. Abhishek Reddy, J)

