

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CONTEMPT CASE No. 476 of 2019

ORDER:

This Contempt Case is filed alleging violation of the order dt.17.08.2018 passed in WP.No.24230 of 2018, wherein and whereby this Court passed the following order;

“ In the light of the above facts and circumstances, this Writ petition is allowed, setting aside the order passed by the 1st respondent vide proceedings in Rc.No.Hyd/30/POL/PCC/238/2017, dated 05.07.2018, and the 1st respondent is directed to consider the explanation of the petitioner, after affording an opportunity of hearing and pass appropriate orders, in accordance with law.”

Learned Counsel for the petitioner states that though the order of impounding is set aside by this Court, the passport of the petitioner was seized at Chennai Air Port when he was traveling to Srilanka, on the ground that his pass port was impounded, which is in violation of the orders passed by this Court. He also submits that the respondent inspite of complying the orders of this Court, kept the issue pending.

On the other hand learned Counsel for respondent, basing on the counter affidavit, submits that petitioner approached the respondent' office with a request to release his passport on 18.03.2019 along with a copy of the order dt.17.08.2018 passed by this Court in WP.No.24230/2018, and thereafter, the respondent authorities have taken steps for release of the petitioner's passport and intimated the

same to the petitioner vide letter dt. 21.03.2019 asking the petitioner to approach the respondent's office on any working day and collect his passport; and that the said letter was sent to the petitioner through speed post and the petitioner has received and acknowledged the same. It is further stated that despite receiving the said letter, the petitioner did not approach the respondent's office, therefore, by letter dt. 25.03.2019, the respondent has dispatched the original passport of the petitioner to his address through speed post and that the petitioner has received his original passport and acknowledged the same, as such, there is no violation of the orders passed by this Court.

In this case, it is to be seen that this Court vide order dt.17.08.2018 has set aside the order of impounding dt.05.07.2018; that the date on which the petitioner was traveling to Srilanka i.e. 16.03.2019, there was no order of impounding is operating. But, it is not known why the respondent authorities have seized the passport of the petitioner, while he was traveling to Srilanka on 16.03.2019.

In the counter affidavit it is stated that petitioner has approached the respondent authorities only on 18.03.2019 seeking release of the passport and thereafter the respondent authorities have taken action on 21.03.2019 for release of the passport and the petitioner has also received his original passport on 25.03.2019. Petitioner should have approached respondents seeking implementation of order passed by this Court before undertaking journey, but, only approached on 18.03.2019; immediately on

21.03.2019, the respondent authorities have taken action for implementation of the order in the writ petition.

Disputing the aforesaid facts, no reply affidavit is filed by the petitioner.

In view of the aforesaid facts and circumstances, since petitioner's original passport is already released by the respondent authorities in pursuance to the orders passed by this Court in the writ petition, I do not see any willful violation of the orders passed by this Court.

In view of above facts and circumstances, the Contempt Case is closed. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

03.01.2020
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Dt.03.01.2020.

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