

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CONTEMPT CASE No.1920 of 2018

ORDER:

In this Contempt Case, petitioners have alleged willful disobedience of the order dt.29-12-2017 in W.P.No.43189 of 2017 by the respondents.

2. In the said order dt.29-12-2017, this Court had directed the 2nd respondent in the Contempt Case to decide the appeal filed on 05-02-2016 by the petitioners against the orders passed under the A.P.Assigned Lands (Prohibition of Transfer) Act, 1977 within two months.

3. The Contempt Case was filed on 27-07-2018.

4. Long afterwards, on 12-04-2019, the said appeal has been disposed of by the successor to the 2nd respondent i.e. 4th respondent, who worked as the Revenue Divisional Officer, Bhupalpally Mandal, Jayashankar Bhupalpally District from 01-09-2018.

5. In the counter-affidavit filed by 2nd respondent, he claimed to have worked in the capacity of Revenue Divisional Officer, Bhupalpally Division of Jayashankar Bhupalpally District from 24-12-2016 to 31-08-2018. His only defence is that there was a new Revenue Division formed w.e.f. 11-10-2016 and the case was transferred to his office and records and files were transferred from Mulugu Division and the case could only be taken up for hearing on 15-03-2018. Thereafter, he

contended that there was a request to club this appeal with other appeals and that there was consequent delay in deciding this appeal.

6. Learned Government Pleader for Revenue appearing for respondents states that there is a delay on the part of 2nd respondent in deciding the appeal but it was not willful and so he may not be punished for contempt.

7. The appeal was preferred by the petitioners before the Revenue Divisional Officer, Mulugu on 05-02-2016. Thereafter Bhupalpally Revenue Division was carved out w.e.f. 11-10-2016 and the case was transferred to the Revenue Divisional Officer, Bhupalpally Division. The 2nd respondent joined in the said Division on 24-12-2016. Thus, by then the appeal had been already pending for 10 months. When the appeal was not being disposed of by 2nd respondent, the Writ Petition was filed and a direction was granted on 29-12-2017 to the 2nd respondent to decide the appeal. Thus, till 29-12-2017 also, he did nothing about deciding the appeal. After the order is passed and he received copy of it, he started the process of deciding the appeal only on 15-03-2018. He also did not complete the process and left the place on 30-08-2018 and thereafter his successor passed the order on 12-04-2019.

8. This indicates the total lack of intention to obey the orders passed by the Court or to decide the matters such as appeals where valuable rights of persons in relation to properties are involved. This attitude of the 2nd respondent cannot be countenanced.

9. Accordingly, this Contempt Case is allowed and the 2nd respondent is convicted for willful disobedience of the orders passed by this Court on 29-12-2017 in W.P.No.43189 of 2017 and sentenced to pay a fine of Rs.1,000/- (Rupees One Thousand only) within four (04) weeks. In default of payment of fine, he shall suffer imprisonment for one month.

10. The Contempt Case against other respondents is dismissed. No costs.

11. Pending miscellaneous petitions, if any, shall stand closed.

M.S.RAMACHANDRA RAO, J

Date: 24-01-2020

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