

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

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**THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO**

CONTEMPT CASE NO.2060 OF 2025

17.03.2026

Between:

Mr.A. Sudhakar Reddy S/o. Late A.Narayana Reddy
Aged about 57 years, R/o.2-2-1075/A/3,
Bagh Amberpet, Hyderabad.

...Petitioner

AND

Mr.V. Ranganath
Commissioner Hyderabad Disaster Management
and Asset Protection Agency, Buddha Bhavan, Hyderabad.

...Respondent

Sri Vedula Venkata Ramana, learned Senior Counsel representing M/s. Bharadwaj Associates appearing for the petitioner.

Sri Swaroop Oorilla, the learned Special Government Pleader appearing for the respondent.

ORDER:(Per Hon'ble Justice Moushumi Bhattacharya)

1. The petitioner seeks to punish the respondent/alleged Contemnor for committing wilful contempt of an order dated 12.06.2025 passed by this Court in Civil Miscellaneous Appeal No.175 of 2025.

2. The petitioner has also filed I.A.Nos.1 and 2 of 2025 seeking the appointment of an Advocate Commissioner to

conduct physical inspection noting down the physical features, take photographs at the expenses of the petitioner and submit a status report to the Court pending disposal of the Contempt Case; and to direct the respondent to restore *status quo ante* as on 12.06.2025 with regard to the subject land admeasuring Acs.7.00 guntas in Survey No.563/1 of Bagh Amberpet Village, Amberpet Mandal, Hyderabad District.

3. The facts leading to the filing of the present Contempt Case are as follows:

4. The petitioner herein filed a Suit (O.S.No.15 of 2025) against the defendant Nos.1 to 7 seeking permanent injunction in respect of the suit schedule property ('subject land'). The Hyderabad Disaster Management and Asset Protection Agency (HYDRAA), represented by its Commissioner, Hyderabad, was arrayed as defendant No.6 in the Suit. The petitioner/plaintiff filed I.A.No.84 of 2025 in the Suit seeking temporary injunction to restrain the defendant Nos.1 to 7, their men, women, agents, employees, associates, servants etc. from interfering with the petitioner's peaceful enjoyment and possession of the schedule property. However, the said I.A. was dismissed by the learned

XXVI Additional Chief Judge, City Civil Court at Hyderabad,
vide order dated 22.04.2025.

5. The petitioner herein filed C.M.A.No.175 of 2025 assailing the order dated 22.04.2025 along with I.A.No.1 of 2025 seeking interim injunction restraining the respondents/ defendant Nos.1 to 7 their men, women, agents, employees, associates, servants etc., from interfering with the petitioner's peaceful enjoyment and physical possession of the subject land.

6. The alleged violation of the orders passed in the C.M.A. form the subject matter of the present Contempt Case.

7. The C.M.A. was moved before a Co-ordinate Bench, whereby *vide* order dated 07.05.2025, the respondent HYDRAA was directed to maintain *status quo* as on that date in respect of the suit schedule property till 10.06.2025.

8. The C.M.A. was subsequently listed before another Co-ordinate Bench on 28.05.2025 whereby the earlier order dated 07.05.2025 was modified as under:

'HYDRAA is permitted to undertake necessary pre-monsoon works required to prevent inundation and the likely flooding of the neighbouring colonies in the ensuing monsoon season'.

9. The C.M.A was thereafter listed before this Court on 10.06.2025. On 12.06.2025, after recording the contentions of learned Senior Counsel appearing for the petitioner/appellant and the learned Special Government Pleader appearing for the respondent No.6/HYDRAA, this Court continued the second order dated 28.05.2025 on the premise that HYDRAA would not impinge on the land forming the subject matter of the C.M.A. The relevant portion of the order dated 12.06.2025 is set out below:

‘Counsel for HYDRAA submits that the ongoing work will not affect the interest of the appellant or the subject matter of the CMA. We accept this submission as an undertaking that the appellant’s interest will not be adversely affected until the CMA is heard out.

The appellant’s prayer for appointing a Commissioner for ascertaining the status of the ongoing work is therefore not necessary at this stage of the proceedings.

We accordingly deem it fit to continue the second order dated 28.05.2025, subject to HYDRAA not encroaching on the interest of the appellant in the land forming the subject matter of the CMA.’

10. The petitioner filed the present Contempt Case on 04.08.2025, alleging that HYDRAA had substantially altered the nature and identity of the land forming the subject matter of the C.M.A.

11. Mr.A.V.Ranganath, the Commissioner of HYDRAA, is arrayed as the respondent/alleged Contemnor in the Contempt Case. HYDRAA is the respondent No.6 in the C.M.A., which is presently pending before this Court.

12. The Contempt Case was filed along with photographs of the subject land taken from 13.06.2025 to 02.08.2025. The petitioner relied on these photographs to urge that the respondent was undertaking construction work on the subject land including installation of outlet pipes to divert excess drainage water from the subject land into the drainage culvert channel in spite of interim *status quo* order dated 12.06.2025.

13. The petitioner subsequently filed another set of photographs in October, 2025 i.e., two months after filing of the Contempt Case, to show that the respondent continued to make substantial alterations to the suit schedule land, which forms the subject matter of the C.M.A pending before this Court.

14. Upon being satisfied that the respondent had made substantial alterations to the schedule land, the Court proceeded to issue notice in Form-I under Rule 18 of The Contempt of Courts (Andhra Pradesh High Court) Rules, 1980 to the respondent/alleged Contemnor on 30.10.2025. The

respondent/alleged Contemnor was present in Court on 05.12.2025 and tendered his unconditional apology for his absence on 27.11.2025. The Court accordingly accepted the apology tendered and dispensed with the presence of the respondent/alleged Contemnor on the next dates of hearing.

15. On 21.01.2026, the petitioner filed I.A.No.1 of 2026 to bring on record a speech delivered by the respondent/alleged Contemnor, wherein the respondent/alleged Contemnor had outlined the future plans of HYDRAA for the subject land. This Court *vide* order dated 23.01.2026 permitted the learned Special Government Pleader appearing for the respondent to file a counter to I.A.No.1 of 2026.

16. We have heard learned Senior Counsel appearing for the petitioner who alleges that the respondent has committed wilful disobedience of the order dated 12.06.2025 passed by this Court in C.M.A.No.175 of 2025. The learned Special Government Pleader denies the said allegation and submits that the respondent has not prejudiced the interests of the petitioner in any manner by transferring or alienating the subject land in favour of third parties or otherwise.

17. We have considered the submissions made on behalf of the parties with reference to the material filed before the Court.

The 1st Set of Photographs filed by the Petitioner on 13.06.2025

18. The photographs spanning from 13.06.2025 at 17:17 hours to 02.08.2025 at 10:26 A.M. The photographs contain the descriptions that HYDRAA is illegally constructing a wall on the subject land, allowing drainage water flow from a broken drain culvert into the subject land and also illegally constructing an inlet structure to inundate outside water into the suit schedule land. The description further states that HYDRAA trespassed on the land and placed outlet pipes to divert excess drainage water from the subject land into the drainage culvert channel.

19. Even if the descriptions accompanying the photographs are to be discounted, the photographs show various activities on the land including the construction of culverts and inlets, as well as the placement of pipes and other tubular structures on the subject land.

The 2nd Set of Photographs placed before the Court in September 2025

20. These photographs are from 28.08.2025 at 10:24 A.M. to 16.09.2025 at 10:47 A.M. The photographs are accompanied with statements that HYDRAA illegally trespassed into the subject land and is drilling borewells, constructing children's play area, constructing RCC Building Structures and erected a vertical garden inscribed with the name '*Bathukamma Kunta*'.

21. On a bare perusal of the photographs, it is evident that several and substantial activities undertaken by the respondent on the subject land. The photographs show that apart from drilling multiple borewells, a children's play area has been developed on a portion of the land featuring a blue-coloured slide and a red rocking horse. In addition, there is a white-coloured structure and a green elevated installation functioning as a vertical garden and bearing the inscription '*Bathukamma Kunta*' have been erected on the boundary wall.

22. The set of photographs includes an Article published in the Deccan Chronicle Hyderabad Newspaper on 17.09.2025 reporting that

'Renovated B'Kunta lake to be opened on Sept. 2025'

'From a debris dumping neglected site to a festive hub'.

23. The News Article also records that as part of the beautification, HYDRAA had installed two gazebos, children's play equipment, an open-air gym, and a rectangular walking track around the bund. The article further records that while major restoration works are complete, finishing touches - including flooring at the ghat, plantation, gross-laying and lighting - are expected to be completed by the end of the week (presumably from 17.09.2025).

The 3rd Set of Photographs placed before the Court in December 2025

24. These photographs spanning from 24.09.2025 at 4:31 P.M. to 04.12.2025 at 7:41 P.M. The photographs are accompanied by descriptions/statements that the respondent continued its construction activities on the suit schedule land and erected an inauguration board bearing the name '*Bathukamma Kunta*'. The photographs further show

constructions/structures on the subject land including an elevated entrance gate emblazoned with '*Bathukamma Kunta*' in golden letters, with a flight of red steps leading down from the said entrance gate. Notably, a photograph dated 30.09.2025 at 10:58 A.M. shows that entrance gate locked with the petitioner's representative - "Watch and Ward Personnel" - standing outside the gate, signifying that the petitioner's representative was prevented from entering the schedule land.

25. A photograph taken on 05.10.2025 at 17:06 hours shows a plaque bearing, *inter alia*, the writing of 'Inauguration of '*Bathukamma Kunta*' and 'Developed by HYDRAA'. The scheduled date of the inauguration is reflected as 26.09.2025. The plaque is shown to be designed and developed by 'VIMOS Technocrats Pvt. Ltd.,' and constructed by 'NPR Infratech'. The respondent's name i.e., Mr. A.V. Ranganath, IPS, Commissioner, HYDRAA is also reflected on the plaque as one of the Special Invitees. The photograph taken on 05.10.2025 at 16:38 P.M. shows the placement of the plaque on a wall in the subject land.

26. Another photograph taken on 04.12.2025 at 08.02 P.M. reflects a white board displaying the 'visiting timings' for '*Bathukamma Kunta*' from 5:00 A.M. - 10:00 A.M. and

5:00 P.M. – 8:00 P.M. The name ‘HYDRAA’ is reflected in bold letters on the said board. The photograph taken on 04.12.2025 at 7:41 P.M. also shows the white board displaying the visiting timings, with ‘HYDRAA’ written on the board, placed beside the entrance gate.

Conclusion from the Photographs

27. The 1st set of photographs captured between June - August, 2025 i.e., immediately after the order (in the Contempt Case) dated 12.06.2025. The photographs taken at that point of time showed a piece of land with water and mud patches with nominal construction work limited to boundary walls, drainage culverts and inlet structures. However, the condition of the subject land as it existed during June – August, 2025 transformed into enhanced activity from August to September, 2025 in the form of drilling of borewells, construction of a children’s play area, and the erection of semi-permanent structures on the land. A significant and noticeable alteration was the construction of a vertical garden bearing the name ‘*Bathukamma Kunta*’.

28. The state of affairs as existed in August – September, 2025 rapidly transformed in the form of permanent structures

including a tall and imposing façade - entrance gate, a plaque, and a board showing that the enclosed space is open to visitors for the use of facilities, such as the children's play area, during designated hours.

29. Therefore, from June, 2025 to December, 2025, the nature and character of the subject land changed from a semi-drained and muddy terrain into a curated, enclosed recreational space designed for visitors offering entertainment facilities for relaxation. The white board indicates that visitors' entry into the enclosed space is restricted in accordance with the timings stated thereon.

30. It is pertinent to note that this enclosed space/land forms the subject matter of the C.M.A presently pending before this Court. The petitioner in the Contempt Case is the appellant in the C.M.A.

Plausible findings from the Photographs shown to the Court

31. The inescapable conclusion is that the respondent caused substantial changes to the subject land between June, 2025 and December, 2025, while the initial changes appeared to be minor works in accordance with the order dated 28.05.2025, by

which HYDRAA was permitted to undertake necessary pre-monsoon works to prevent flooding of the neighboring areas in the ensuing monsoon season. However, it would be clear from the photographs that the changes made to the subject land thereafter ballooned into raising of semi-permanent/permanent structures from September, 2025 onwards in the form of construction of a wall with a vertical garden and children's play areas. For the first time, the subject land has been unilaterally designated with a nomenclature – '*Bathukamma Kunta*'.

32. Notably, these changes were effected during and after the monsoon season. Further, the respondent proceeded to construct an elevated entrance gate effectively enclosing and asserting State control over the subject land as a public recreation space. The imposition of specific visiting timings indicated on the whiteboard next to the gate reinforce the sense of the respondent/State taking control over the subject land even while the CMA is pending before this Court for consideration.

Acts of Contempt

33. Form - I under Rule 18 of The Contempt of Courts Rules, 1980, framed by the Composite High Court of Andhra Pradesh, was issued to the respondent on 30.10.2025. The respondent filed I.A.No.4 of 2025 on 26.11.2025 seeking to dispense with his presence on 27.11.2025 before the Court. The respondent was present in Court on 05.12.2025. The Court dispensed with the Presence of the alleged Contemnor on the next date of hearing. The Contempt Case was taken up for hearing in December, 2025, January and February, 2026 on specific dates since the Bench had to be constituted for each date of hearing. The aforesaid dates would show that despite being issued Form - I Notice on 30.10.2025 under The Contempt of Courts (Andhra Pradesh High Court) Rules, 1980, framed under section 23 of The Contempt of Courts Act, 1971, the respondent continued with the changes to the subject land un-deterred. The photographs showing the entrance gate, the staircase leading down from the gate and the plaque on the wall forming part of the enclosure continue to remain as part of the property.

34. The photograph of the white board displaying the “visiting timings” of December, 2025 reinforces that the respondent

continued to treat the subject land as part of its offering to the public for the *Bathukamma* Festival and even beyond that. The construction on the subject land continued and/or was kept intact and built upon even after the respondent physically appeared before this Court on 05.12.2025.

35. Therefore, the inescapable conclusion is that the respondent caused the changes to the subject land after the order dated 12.06.2025 and continued to make further changes/constructions on the subject land despite the order dated 12.06.2025. The Contempt Case was filed on 04.08.2025, the photographs are from June – December, 2025. In the order dated 12.06.2025, the Court recorded the submission made on behalf of HYDRAA that the ongoing work would not affect the interest of the appellant or the subject matter of the CMA. The Court accepted this submission as an undertaking to the effect that the appellant's interest would not be adversely affected until the CMA is heard out. The Court accordingly passed the second order dated 28.05.2025 whereby HYDRAA was permitted to undertake necessary pre-monsoon works for preventing flooding subject to HYDRAA not encroaching on the interest of the appellant in the subject land which is the subject matter of the CMA.

36. Further, the photographs show that the constructions undertaken by the respondent go far beyond the limited scope of the order dated 28.05.2025 and reiterated on 12.06.2025, by which HYDRAA was allowed to carry out works for preventing inundation of the adjoining areas. The photographs reflect that the respondent has exceeded the limits of the permission granted by the Court *vide* orders dated 28.05.2025 and 12.06.2025 whereby the Court made it clear that the works undertaken by HYDRAA would not interfere with the petitioner's interest in the land forming the subject matter of the CMA.

37. The photograph of the plaque taken on 05.10.2025 proclaim the inauguration of the *Bathukamma Kunta* "developed by HYDRAA". Hence, the respondent allowed the changes to reach a point where the subject land could be projected as part of the State and gave a formal declaration as such. The photograph of the gate in a locked condition taken on 30.09.2025 also shows a blue circular plaque with HYDRAA displayed in prominent letters. The Report in the Deccan Chronicle on 17.09.2025, announcing the opening of the *Bathukamma Kunta* Lake on 25.09.2025, also marks careful

planning on the part of the respondent to formally declare the subject land as part of a State-organized event.

38. The aforesaid events are subsequent to 12.06.2025 and prove that the respondent/alleged Contemnor showed contemptuous disregard to the order passed by the Court. The newspaper Reports also show that the respondent had a pre-meditated purpose in carrying out the changes to the subject land so as to make it ready for the inauguration scheduled for 25/26.09.2025. The photograph taken on 22.09.2025 of the pamphlets distributed in the State on behalf of the Government on the inauguration of "*Bathukamma Kunta*" on 26.09.2025 reinforces our view that the respondent carried out the change as per a pre-fixed schedule for the formal opening event.

39. Apart from constructing the plaque and the gate which clearly reflect the word "HYDRAA," the respondent is also guilty of other acts of contempt. The petitioner had filed IA No.1 of 2026 on 23.01.2026 to rely on a pendrive containing a speech of the respondent. Even though the pendrive was not accepted on technical grounds, the Proceeding Sheet dated 23.01.2026 records the submission of the petitioner that the respondent

made a speech outlining the future plans in relation to the subject land. The said Proceeding Sheet also records the concern expressed by the Court that the respondent cannot make any public speeches with regard to its plans for the subject land when the respondent is aware of the pendency of the Contempt proceedings.

40. The undisputed facts as stated above, show that the respondent flouted the order dated 12.06.2025 including the submission made on its behalf that the respondent would not cause any prejudice to the petitioner's interest in respect of the subject land. The contention now raised on behalf of the respondent that prejudice can only be caused by alienation or transfer of the subject land to third parties is not acceptable. Changing the land from June - December, 2025, almost beyond recognition, amounts to prejudicially affecting the interest of the petitioner. Even otherwise, the respondent knowingly continued to disobey the order passed by this Court on 12.06.2025.

The Conduct of the Respondent satisfies the definition of “Contempt” under The Contempt of Courts Act, 1971

41. Section 2(a) of The Contempt of Courts Act, 1971 (‘the 1971 Act’) defines “Contempt of Court” as either civil or criminal contempt.

42. Section 2(b) of the 1971 Act defines “civil contempt” as wilful disobedience to any judgment, decree, direction, order, writ or other process of a Court or wilful breach of an undertaking given to a Court.

43. Section 2(c) of the 1971 Act defines “criminal contempt” as publication (whether by words, spoken or written, or by spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any act whatsoever which - (i) scandalises or tends to scandalise, or lowers or tends to lower the authority of any Court; or (ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or (iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.

44. The conduct of the respondent in effecting substantial changes to the subject land, despite the pendency of the CMA whereby the petitioner's claim to the subject land has been questioned, reeks of wilful disobedience. The respondent was aware of the pendency of the CMA at all relevant points of time, having actively participated in the hearings. The respondent had contested the I.As. filed by the petitioner and was represented at the time of passing of the orders dated 07.05.2025 and 28.05.2025, culminating in the order dated 12.06.2025. The Court permitted the respondent to carry on with its anti-flooding work provided that the said work did not encroach upon the petitioner's interest in the subject land on the respondent's undertaking that the petitioner's/appellant's interest would not be adversely affected. The respondent is also guilty of obstructing the administration of justice since the Court is yet to decide the CMA i.e., whether the petitioner can claim any interest in the subject land.

45. The respondent's persistence in carrying out the constructions, in flagrant disregard of the restrictive directions in the order dated 12.06.2025, constitutes an impermissible attempt to take the law into its own hands. By treating the subject land as the property of the State without any decision

passed by this Court to that effect. In other words, the respondent assumes that the CMA will fail and that it is at liberty to make permanent changes to the land, notwithstanding the pendency of the CMA.

Contempt Jurisdiction

46. The law of Contempt of Courts is designed to maintain the administration of justice “pure and undefiled”. Contempt of Court may be classified as either criminal i.e., consisting of acts or words or acts that impede with the administration of justice or create a substantial risk of prejudice to the judicial process; or civil, involving the willful disobedience of the judgments, orders or other processes of the Court, which results in a private injury¹.

47. The *actus reus*, or the guilty act, of Contempt of Court is essentially conduct which interferes with or obstructs the due administration of justice. In the present case, the respondent cannot plead a *bona fide* misunderstanding of the effect of the order dated 12.06.2025 as its directions were unequivocal. The order was also passed on the submission made on behalf of the respondent that the petitioner’s/appellant’s interest in the

¹ *Halsbury’s Laws of England, Fifth Edition*

subject land would be protected from any adverse consequences. The majesty of the law and the sanctity of the judicial mandates require that a party before the Court does not violate the order deliberately or through gross negligence. Contempt of Court may also be constituted by any conduct that tends to bring the authority and administration of law into disrespect or disregard, or to interfere with or prejudice parties, litigant or their witnesses during the pendency of the litigation².

48. It is a settled principle that any disregard or wilful disrespect shown by a party that interferes with the rights of another during the pendency of litigation may amount to contempt, even in the absence of a specific prohibitory order, if such conduct seeks to overreach the Courts jurisdiction.

49. In *Govind Sahai v. State of UP*³, a three-Judge Bench of the Supreme Court approved an order passed by the Allahabad High Court holding the appellants therein guilty of Contempt. In the facts of that case, a member of the Congress Organization, who stood for election for membership of the Primary Congress Committee and lost the election, filed a Suit for declaring the election of the winner as void and inoperative. The plaintiff

² Oswald, in his book 'Contempt of Court' Third Edition

³ AIR 1968 SC1513

therein alleged various irregularities regarding the conduct of the election and also filed an application for injunction restraining the District Election Officer and other officers from holding elections for membership of the District Congress Committee and also sought for injunction restraining the winner from taking part in those elections. The Working Committee of the Indian National Congress thereafter resolved for the removal of the plaintiff from membership of the Congress Organization. The appellants thereafter filed an Affidavit mentioning the facts that the plaintiff had been expelled from the Congress Organization. The Supreme Court held that expelling the plaintiff and filing of a supporting Affidavit in the Suit clearly indicated that it was a deliberate attempt by the appellants to interfere with, or prejudice the plaintiff in the conduct of the litigation instituted by him. The Supreme Court also held that the expulsion could not be justified on the basis of the Resolution taken by the All India Congress Working Committee and to enforce discipline in the Congress Organisation.

50. *Govind Sahai v. State of UP (supra)* would show that the conduct of a contesting respondent in taking a step prejudicial to the petitioner/plaintiff during the course of adjudication of the action initiated by the petitioner/plaintiff would also

amount to Contempt. In any event, the Contempt jurisdiction of a Court must rest on the particular facts brought before it in order to prove wilful disobedience of Court orders or an attempt to interfere with or obstruct the administration of justice. The precedential value of cases would hence have only limited application in Contempt jurisdiction.

51. In the present case, we are of the considered opinion that the conduct of the respondent in accepting Notice of the Contempt proceedings, personally appearing before this Court and thereafter spearheading further changes to the subject land despite being fully aware of the pendency of the CMA, constitutes wilful and deliberate contempt of the order dated 12.06.2025.

52. The subject land, as it existed and appeared on 12.06.2025, was altered and changed beyond recognition by 04.12.2025. We thus hold that the respondent is guilty of Contempt of Court for willfully disobeying the order dated 12.06.2025 and for interfering with and obstructing the course of the administration of justice.

The Contemnor cannot be allowed to Enjoy or Retain the Fruits of Contempt

53. Apart from handing down of punishment for Contempt, the Court is also entitled to give appropriate directions for rectifying the things done in violation of its orders⁴.

54. It is settled that the legal consequences of that which has been done in breach of the law may be affected by illegality. Those who defy a prohibition ought not to be able to claim that the fruits of their defiance are good and not tainted by the illegality that produced them⁵. It is the duty of the Court, as a policy, to set right the wrong and not allow the perpetuation of the wrongdoing. The inherent power of the Court authorizes the Court to undo the wrong in the interest of justice and to put the parties back in the same position as they stood immediately prior to the service of the interim order⁶.

55. A Division Bench of the Calcutta High Court directed restoration of possession to the plaintiff with the aid of the Police where the defendant forcibly dispossessed the plaintiff in violation of an order of injunction and took possession of the

⁴ Mohd. Idris v. Rustam Jehangir Babuji, (1984) 4 SCC 216

⁵ Clarke v. Chadburn, (1985) 1 All ER 211

⁶ Century Flour Mills Ltd. v. S.Suppaiah, AIR 1975 Mad 270

property. The Court held that technicalities cannot prevent the Court from rendering justice in exercise of its inherent power⁷. In *Delhi Development Authority v. Skipper Construction Company (P) Ltd.*⁸, the Supreme Court held that the Court must, if necessary, overrule procedural or technical objections to ensure full justice between the parties.

The Disobedience on the part of the Contemnor is wilful

56. In order to punish a Contemnor, it has to be established that disobedience of the order is 'wilful'. This means that the disobedience is knowingly-intentional, conscious, calculated and deliberate with full knowledge of the consequences flowing therefrom. Wilful disobedience would exclude casual, accidental, *bona fide* or unintentional acts or genuine inability and would also not include involuntary or negligent actions. The paramount consideration is given to maintain the Court's dignity and majesty of law⁹. Hence, knowledge of having acted in disobedience to an order is one of the essential features for being proceeded with in an action for Contempt.

⁷ Sujit Pal v. Prabir Kumar Sun, AIR 1986 Cal 220

⁸ 1996 (4) SCC 622

⁹ Chaduranga Kanthraj URS v. P.Ravi Kumar, 2024 SCC OnLine SC 3681

57. The facts of the present case do not leave an iota of doubt that the respondent was fully aware of the consequences arising from his contumacious acts. The Court had issued a Notice of the contempt proceedings to the respondent in Form - I on 30.10.2025. The respondent had filed I.A.No.4 of 2025 on 27.11.2025 seeking that his presence be dispensed with. Thereafter, the respondent had personally appeared before the Court on 05.12.2025 to tender his apology for not being present on 27.11.2025. Hence, there is no material on record to suggest that the respondent was unaware of the order dated 12.06.2025 or initiation of the Contempt proceedings thereafter.

Restitutive/Restorative Justice

58. The Court has a duty to issue appropriate directions for remedying and rectifying the things done in violation of its orders. In that regard, the Court may take restitutive measures at any stage of the proceedings¹⁰.

59. In *Baitanik v. Shrimati Hutheesingh Tagore Charitable Trust*¹¹, the Supreme Court reiterated the decision in *Mohd. Idris* (supra) and *Skipper Construction* (supra) to hold that in addition

¹⁰ *Baranagore Jute Factory PLC. Mazdoor Sangh v. Baranagore Jute Factory PLC*, (2017) 5 SCC 506

¹¹ (2024) 11 SCC 679

to punishing a Contemnor for disobeying its orders, the Court can also ensure that such a Contemnor does not continue to enjoy the benefits of his/her disobedience by merely suffering the punishment meted out to the Contemnor.

60. Section 12 of the 1971 Act provides for 'Punishment for Contempt of Court' whereas section 12(1) provides that a Contempt of Court may be punished with Simple Imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both. The *proviso* to section 12(1) of the 1971 Act provides that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the Court.

61. Rule 30 of The Contempt of Courts (Andhra Pradesh High Court) Rules, 1980 contemplates cases where the person charged confesses the contempt committed by him/her and submits to the judgment of the court thereon, his submission and confession shall be recorded and the Court may, in its discretion, either commit him Jail or accept bail for his appearance before the Court, at such time as may be appointed, to receive the judgment of the Court for his contempt.

62. The facts narrated above, as corroborated by the photographs on record, establish that the respondent has willfully disobeyed the directions passed by the Court on 12.06.2025, whereby the Court directed the respondent to continue the order dated 28.05.2025, i.e., permitting HYDRAA to undertake necessary pre-monsoon works which were required for preventing flooding of the neighbouring colonies subject to the condition that HYDRAA shall not encroach upon the interest of the appellant in the land forming the subject matter of the pending CMA.

63. As we have already stated, the argument that HYDRAA has not transferred or alienated the subject land to third parties is not a defence to the respondent (Commissioner of HYDRAA) causing permanent structures to be constructed on the subject land and changing the appearance of the subject land beyond recognition.

64. We thus hold the respondent (Commissioner of HYDRAA) to be guilty of contempt for wilful disobedience of the order dated 12.06.2025.

Punishment

65. The prescribed statutory punishment of simple imprisonment and fine is not appropriate in the present case. Imposition of fine for contumacious violation of the order is too less; while imprisonment is too harsh. Imprisonment would also not serve the purpose of reparation or restoring the rights of the petitioner in respect of the subject land until the CMA is decided. The parties are required to be put back in the same position as they were on 12.06.2025. Seen in another light, the respondent should first purge itself of the acts of Contempt before the Court proceeds to punish the respondent and pass further orders in the Contempt. The respondent cannot be permitted to enjoy the fruits of its contumacious acts while admittedly being in Contempt of the order dated 12.06.2025.

66. In other words, the rights of the parties in the pending CMA cannot be adjudicated while the respondent continues to enjoy the benefits of being in Contempt of the order passed by the Court. Thus, the Court invokes the principle of restitutive justice and directs the respondent to restore the land, being the subject matter of the CMA, to the position as it was on 12.06.2025.

67. We must however remain mindful of the efficacy of our directions and ensure they are not impossible to implement or put the petitioner in a condition worse than what the petitioner is presently suffering. The condition of the land, as shown in the photographs taken on 13.06.2025 at 17:17 hours and 24.06.2025 at 11:20 hours, shows deeply-dug portions of the land with overflowing water from a broken drain culvert. The surface of the land is uneven with accumulated stagnant water in uneven patches of the land.

68. Considering the changes made to the subject land from August to December, 2025 including the civil works and beautification carried out thereon, it would be mindless to direct the physical unearthing or digging up of the subject land once again only for the sake of restitutive justice. The images taken in June, 2025 show the subject land in disarray. Hence, directing that the subject land be put back to that uneven and disturbed condition may cause more logistical difficulties to the petitioner even if the petitioner was to succeed in the CMA.

69. We hence deem it fit to direct the respondent to remove all markers and indications of ownership or association with HYDRAA or any indication suggesting that HYDRAA has any

form of right over the land. The respondent shall accordingly cause removal of structures which announce or indicate, by way of boards, signages or otherwise, that the land belongs to or has been developed by HYDRAA. This would include any form of restriction on access to the land in the form of gates, walls or boundaries, boards and signages which proclaim or give the impression that the land is a public place with facilities provided by HYDRAA which are available for public use. The respondent shall also remove any descriptions relating to the subject land or permission for access to the land on designated timings.

70. The respondent shall remove/take down the structures and signages mentioned above and any other construction or changes made to the land which has the potential of creating an impression that the land is under the control of the respondent or HYDRAA, or that the respondent, as the Commissioner of HYDRAA, has the authority to permit or refuse entry to the land in question. HYDRAA shall cause these changes to be made within a period of four weeks on and from 23.03.2026 and file an Affidavit of compliance on the returnable date. We make it clear that the changes directed shall be subject to the outcome of the CMA.

71. List this matter on 27.04.2026 under the caption “For Compliance”.

MOUSHUMI BHATTACHARYA, J

B.R.MADHUSUDHAN RAO, J

DATE:17.03.2026
VA/NDS

**THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO**

CONTEMPT CASE NO.2060 OF 2025

DATE:17.03.2026

VA/NDS