

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

*** * ***

CONTEMPT APPEAL No.7 of 2026

Between:

M/s.Divyanagar Plot Owners Welfare Association,
Kachivanisingaram Village, Ghatkesar Mandal, Medchal-Malkajgiri
District.

... Appellant

And

Mr.Gowtham Potru, District Collector,
Medchal-Malkajgiri District and others.

...Respondents

JUDGMENT PRONOUNCED ON: 23.04.2026

**THE HON'BLE SRI JUSTICE P.SAM KOSHY
AND**

THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? : Yes
2. Whether the copies of judgment may be
marked to Law Reporters/Journals? : Yes
3. Whether His Lordship wishes to
see the fair copy of the Judgment? : **Yes**

P.SAM KOSHY, J

*** THE HON'BLE SRI JUSTICE P.SAM KOSHY**
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THE HON'BLE SRI JUSTICE NARSING RAO NANDIKONDA
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! Counsel for appellant

: Mr. G.Narender Reddy

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> HEAD NOTE:

? Cases referred

(2024) 20 Supreme Court Cases 188

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JUDGMENT: *(per Hon'ble Sri Justice P.Sam Koshy)*

Heard Mr.G.Narender Reddy, learned counsel for the
appellant and perused the record.

2. The instant is the Contempt Appeal preferred against the
order passed in C.C.(SR) No.59831 of 2025, dated 09.01.2026.
3. For ready reference, the order passed by learned Contempt
Court in the aforesaid contempt case reads as under:

“....The Office objection is upheld.

Therefore, Registry is directed to return the contempt
case bundle to the petitioner.”

4. The contempt case was filed alleging willful violation of
order dated 28.11.2022 passed in WP.No.10416 of 2009. While

disposing of the said writ petition, there was a specific order and the directions given thereof reads as under:

“4. At the time of admission, this Court having noticed that no notice was issued to the petitioner, interim stay was granted on 22.05.2009. The respondents did not chosen to file counter in this matter as on this date.

5. In the above circumstances, without expressing any opinion on merits of the case, this Writ Petition is disposed of with a direction to not to demolish the compound wall of the Petitioner’s Society without following due process of law.”

5. In violation of the aforesaid order, where the respondents were directed not to demolish the compound wall, they proceeded further and continued with the demolition, hence, the contempt case was filed vide CC(SR) No.59831 of 2025.

6. The Registry of High Court raised an objection of the contempt case being filed beyond the period of limitation prescribed under Section 20 of the Contempt of Courts Act, 1971 referring to a judgment of Hon’ble Supreme Court in **S.Tirupathi Rao v. M.Lingamaiah**¹. The contempt case thereafter got listed before the learned Single Bench to hear on the objection raised by the Registry. It is at that stage, the contempt case stands rejected by the contempt Court upholding the objection raised by the Registry

¹ (2024) 20 Supreme Court Cases 188

and directed to return the contempt case bundle to the appellant herein, the petitioner in the contempt case.

7. At the outset, we are of the considered opinion that even if it be a matter of limitation or any other preliminary objection as regards the maintainability of the contempt case is concerned, it is not the Registry which has to raise an objection, rather, in a contempt case, the role of the appellant herein, the petitioner in contempt case, is only that of an informer informing the Court in respect of the so-called violation or non-compliance or disobedience of the order. Rest of the role is between the Court and the contemnor. Maintainability of the case itself is again a matter, which needs to be considered and decided only by the contempt Court seized of jurisdiction.

8. In the instant case, the order of restraint was not to demolish the compound wall and said order was passed on 28.11.2022 while disposing the WP.No.10416 of 2009. The contempt case was one which was filed on 24.12.2025. If at all, there is an element of delay, it was for the Court to decide and ascertain as to which date the respondent-contemnor had initiated further demolition, violating the order passed on 28.11.2022. It was for the Court to decide whether there is contempt made out or not and whether, the

appellant-petitioner had any justifiable reasons not to knock the doors of the contempt Court earlier etc.,

9. It would be relevant, at this juncture, to refer to the judgment cited by the Registry itself in the office objection i.e. **S.Tirupathi Rao's** case supra, wherein, in paragraph Nos.70 and 71, the Hon'ble Supreme Court has made observations as under:

“ **70.....**The role of such a party, who brings a petition for contempt and activates the court's machinery, is merely that of an informer. Despite such a party figuring in the memo of parties as a petitioner, the matter relating to entertainment of his petition and the punishment to be imposed, in case of a proved contempt, relate to the exclusive jurisdiction and authority of the High Courts to punish for contempt and is substantially a matter between the court and the alleged contemnor. Whether or not to take the assistance of the petitioning informer is a question which invariably must be left entirely to the discretion of the court seized of the proceedings.

71. In exercising its jurisdiction to punish for contempt, the courts in India do keep in mind the benefit that could accrue to the petitioning informer (if he is a party to the parent proceedings out of which the contempt arises) upon implementation of the order alleged to have been wilfully disobeyed; but more than anything else, the endeavour is to uphold the majesty, dignity and prestige of the courts. Indubitably, the jurisdiction to punish for contempt is exercised when the alleged contemnor, by his action(s), shows extreme lack of solicitude in complying with an order of court, which has attained finality and is binding on him. So long a final order passed by a court is not set aside in appeal/revision or

recalled in exercise of review jurisdiction or an interim order is vacated at a subsequent stage of the proceedings, it continues to bind the parties to the proceedings and it would amount to subversion of the rule of law if any party, in breach, were encouraged to continue such breach....”

10. In the light of the aforesaid observations of the Hon’ble Supreme Court, we have no hesitation in reaching to the conclusion that contempt case ought not to have been closed by the learned Single Bench upholding the objection raised by the Registry. Insofar as the limitation is concerned, the concerned Single Bench ought to have gone into the other aspects also and thereafter, if at all, there was any material found for breach by the contemnor or the appellant-petitioner has accepted the alleged contemptuous act without any protest, the learned Single Judge could thereafter have passed appropriate orders. Definitely, the learned Single Bench ought not to have been refused to entertain the contempt case only on the office note put by the Registry that the contempt case is filed beyond the period of limitation prescribed under the Act.

11. In view of the aforesaid discussion, the impugned order, dated 09.01.2026, in C.C.(SR) No.59831 of 2025 is set aside. The objection raised by the Registry stands overruled. The Registry is directed to register the contempt case and list the same before the

contempt Court having jurisdiction for an appropriate proceedings to be drawn on its own merits in accordance with law.

12. The Contempt Appeal stands allowed. No order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

P.SAM KOSHY, J

NARSING RAO NANDIKONDA, J

23.04.2026

Note: LR copy is marked.

B/o.Nvl