

**IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI**

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**CONTEMPT CASE No.1007 of 2020**

P.Padmavathi Bai,

**... Petitioner.**

**Versus**

- 1) C.Hari Kiran, District Collector, Kadapa  
District, Kadapa.
- 2) S.Lavanna, Commissioner, Kadapa  
Municipal Corporation, Kadapa.

**... Respondents.**

DATE OF ORDER PRONOUNCED : **15.09.2023**

SUBMITTED FOR APPROVAL:

**HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

1. Whether Reporters of Local Newspapers  
may be allowed to see the order? : Yes/No
2. Whether the copy of order may be  
marked to Law Reporters/Journals? : Yes/No
3. Whether His Lordship wish to  
see the fair copy of the order? : Yes/No

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**SUBBA REDDY SATTI, J**

**\* HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**  
**+ CONTEMPT CASE No.1007 of 2020**

**% 15.09.2023**

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**Versus**

- 1) C.Hari Kiran, District Collector, Kadapa District, Kadapa.
- 2) S.Lavanna, Commissioner, Kadapa Municipal Corporation, Kadapa.

**... Respondents.**

**! Counsel for Petitioner : Sri Jada Sravan Kumar**

**^ Counsel for Respondent No.1: Sri Kasa Jagan Mohan Reddy**

**Counsel for Respondent No.2: Sri V.S.K.Rama Rao**

**< Gist:**

**> Head Note:**

**? Cases referred:**

- 1) (1973) 1 SCC 446
- 2) (1974) AC 273 : (1973) 3 All ER 54 : (1973) 3 WLR 298 (HL)
- 3) (1998) 4 SCC 409
- 4) (2004) 8 SCC 683
- 5) (2002) 4 SCC 21
- 6) (2003) 11 SCC 1
- 7) (2007) 7 SCC 689
- 8) (2012) 1 SCC 273
- 9) (1984) 3 SCC 405
- 10) (2012) 11 SCC 761
- 11) (1993) 2 SCC 533
- 12) AIR 1967 AP 299
- 13) (1995) 6 SCC 249

**This Court made the following:**

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**HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

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- 1) C.Hari Kiran, District Collector, Kadapa  
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Municipal Corporation, Kadapa.

... Respondents.

Counsel for the petitioner : Sri Jada Sravan Kumar

Counsel for respondent No.1 : Sri Kasa Jagan Mohan Reddy

Counsel for respondent No.2 : Sri V.S.K.Rama Rao

**ORDER**

The above Contempt Case is filed under Section 10 to 12 of the Contempt of Courts Act, 1971 (for short "**the Act**") to punish the respondents for their willful and deliberate disobedience of the order dated 22.07.2020 in W.P.No.11985 of 2020.

2. Petitioner filed W.P.No.11985 of 2020 on 21.07.2020 and the same was listed before the Court on 22.07.2020. The relief sought for in the writ petition is to declare the action of respondents in attempting to demolish the petitioner's shops and upstairs portion bearing Door Nos.1/1957, 1/1958, 1/1960, 1/1961 and 1/1962, Railway Station Road, Sriram Nagar, Kadapa without issuing any notice and without passing any order, as illegal and arbitrary and also against the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "**the Act 2013**") and Article 300A of the Constitution of India.

3. The writ petition was disposed of on 22.07.2020. The operative portion of the order reads as follows:

"Sri Suresh Kumar Reddy Kaluva, learned Standing Counsel appearing for respondent No.3 – Kadapa Municipal Corporation, submits that the Corporation would follow the procedure contemplated under the law before demolishing the subject shops of the petitioner.

In the facts and circumstances of the case, respondent No.3 – Kadapa Municipal Corporation is

directed to follow the procedure contemplated under law before demolishing the shops of the petitioner.”

4. Thereafter, the shops and upstairs portion of the petitioner was demolished on 23.07.2020.

5. In the writ affidavit, petitioner pleaded title to the property; obtaining permission from the Corporation and also transfer of 27.24 square yards in favour of Kadapa Municipal Corporation under a registered document bearing No.836 of 2015 dated 26.02.2015. In Paragraph-4 of writ affidavit, it was contended that respondents 3 and 4 and subordinates of 2<sup>nd</sup> respondent visited the shops and building and made markings without issuing any notice and informed that the shops will be demolished for road widening. As per the markings, almost all the shops would be demolished except part of shop No.1/1958. The respondents have given marking upto 21 feet on southern side and towards northern side it was reduced. If at all the respondents intend to demolish the shops for public purposes, they have to initiate proceedings under the Act, 30 of 2013. For two days, the officers of 2<sup>nd</sup> respondent and respondents 3 and 4 visited the shops with a

view to widen the road by demolishing the shops without issuing any notice.

6. As indicated *supra*, the writ petition was disposed of at the admission stage, on the instructions of learned Standing Counsel appearing for the Corporation that the Corporation will follow the procedure contemplated under law before demolishing the subject shops of petitioner.

7. In the affidavit filed in support of contempt case, it was specifically contended that 2<sup>nd</sup> respondent demolished the structure on 23.07.2020 high handedly without following due process of law. No notice was issued under the A.P. Municipalities Act or any other Act. Passing of order by court was brought to the notice of 2<sup>nd</sup> respondent, however the structure was demolished high handedly. Along with contempt case, legal notice dated 04.08.2020 and photographs were filed.

8. a) Counter affidavit was filed on behalf of 2<sup>nd</sup> respondent. It was contended *inter alia* that the petitioner does not have any legal right over 120 square yards of site. According to revenue records, the said site is Government

land and the mother of petitioner encroached 120 square yards and constructed the structures. Petitioner filed an application on 06.06.2014 for getting permission to construct building in S.No.95 of Nagarajupalli Village Fields. After following the procedure, the 2<sup>nd</sup> respondent issued Building Permit Order No.367/G1/2004 dated 26.02.2015 to construct building in S.No.95 of Nagarajupalli Village Fields. However, the petitioner constructed the building in S.No.85 of Nagarajupalli Village Fields.

b) As per the Hyderabad Municipal Corporation Act, even the encroachers who occupied the Government land and developed the same and mutata their names, the structures shall be assessed for tax. Mere assessment of tax does not amount to acceptance of the rights of parties over the property in question. The Municipal staff identified the encroachments by visiting the structures and gave markings on 11.07.2020. A written notice has been served on all the encroachers on 13.07.2020 under Section 405 & 406 of the Hyderabad Municipal Corporation Act. As the petitioner refused to receive the notice, the same was affixed on the disputed property in the presence of witnesses. Thus, the 2<sup>nd</sup>

respondent followed the process under the Hyderabad Municipal Corporation Act and thereafter demolished the encroachments of petitioner. The men of petitioner, claiming to be sons and others interfered and obstructed the officials from discharging their duties and hence, 2<sup>nd</sup> respondent lodged complaint before the I Town Police Station, Kapada and the same was registered as Crime No.307 of 2020 for the offence punishable under Section 353 of IPC.

c) Along with counter affidavit (reply affidavit), the notice dated 13.07.2020 issued under Section 405 & 406 of HMC Act, Inspection Report and Note File dated 13.07.2020, photographs showing annexing the notice to the building etc., were filed.

9. Petitioner filed rejoinder affidavit. It was contended that after receipt of orders of this Court, petitioner furnished the copy of the same to the 2<sup>nd</sup> respondent and got acknowledgment. It was further pleaded that the case of petitioner does not fall under Section 405 of Hyderabad Municipal Corporation Act. Petitioner denied about service of notice on 13.07.2020. Along with rejoinder affidavit, the

representation dated 23.07.2020 submitted by petitioner to 2<sup>nd</sup> respondent was filed. In the representation, it was specifically stated about disposal of writ petition and further contended that if the structure is required for public purpose, sought for compensation and thereafter to acquire the property.

10. The contempt case was admitted on 10.02.2023.

11. After the contempt case was admitted, additional counter affidavit was filed on behalf of 2<sup>nd</sup> respondent. In the additional counter affidavit, it was contended inter alia that order of the Court was received on 23.07.2020 late evening. Notices under Sections 405 & 406 of HMC Act were duly served and in fact, due process was followed. Since the petitioner refused to receive the notice, it was affixed on the disputed property as contemplated under Section 631 of HMC Act in the presence of witnesses. Petitioner upon receiving the notice, failed to submit objections. If the petitioner had any right over the property, she should have approached the respondent with relevant documents. The petitioner, apart from filing writ petition, also filed O.S.No.23 of 2021 and further made complaint against the respondents

in National Human Rights Commission, Delhi. Along with additional counter affidavit, third party affidavits and sketches were filed.

12. Petitioner filed additional rejoinder reiterating the averments made in the earlier affidavit.

13. Heard Sri Venkatesh, learned counsel representing Sri Jada Sravan Kumar, learned counsel for petitioner, Sri Kasa Jagan Mohan Reddy, learned counsel for 1<sup>st</sup> respondent-contemnor and Sri Ashok Ram Kumar, learned senior counsel representing Sri V.S.K.Rama Rao, learned counsel for 2<sup>nd</sup> respondent-contemnor.

14. Learned counsel appearing for petitioner would contend that 2<sup>nd</sup> respondent/2<sup>nd</sup> contemnor in spite of the order of the Court got the structure demolished deliberately and intentionally.

15. Learned senior counsel appearing for the 2<sup>nd</sup> respondent/2<sup>nd</sup> contemnor would contend that notice under Section 405 and 406 of HMC Act was issued on 13.07.2020 and thereafter by following due process the structure was

demolished. He also would contend that copy of the order of the Court was received late in the evening on 23.07.2020 after the demolition was completed.

16. Learned counsel appearing for 1<sup>st</sup> respondent/1<sup>st</sup> contemnor would submit that 1<sup>st</sup> respondent/1<sup>st</sup> contemnor was arrayed unnecessarily. 1<sup>st</sup> respondent/1<sup>st</sup> contemnor did not violate the order of the Court.

17. On 18.08.2023 during the hearing, Sri Venkatesh, learned counsel representing Sri Jada Sravan Kumar, learned counsel for petitioner, would submit that the petitioner is not pressing the contempt against the 1<sup>st</sup> respondent and same is recorded.

18. Now, the points for consideration are:

**1) Whether 2<sup>nd</sup> respondent-contemnor disobeyed the order dated 22.07.2020 in W.P.No.11985 of 2020?**

**2) Whether the disobedience is willful, intentional and deliberate? If so, whether the 2<sup>nd</sup> respondent-contemnor is liable for punishment under Section 12 of the Act?**

19. It is an undisputed fact that petitioner filed W.P.No.11985 of 2020 on 21.07.2020 and the same was listed on 22.07.2020. The writ petition was disposed of on 22.07.2020. Learned Standing Counsel appearing for Kadapa Municipal Corporation would submit that the Corporation would follow the procedure contemplated under the law before demolishing the subject shops of the petitioner. Recording the statement of learned Standing Counsel, the writ petition was disposed of directing the Kadapa Municipal Corporation to follow the procedure contemplated under law before demolishing the shops of the petitioner. (Emphasis is mine)

20. Thus, as seen from the order, it was neither pleaded orally nor brought to the notice of the Court about issuance of notice under Sections 405 and 406 of HMC Act on 13.07.2020. If really notices were issued under Sections 405 & 406 of HMC Act, as pleaded in the counter affidavit and additional counter of affidavit 2<sup>nd</sup> respondent-contemnor, learned Standing Counsel would have brought to the notice of Court about issuance of notices. However, the submission of learned Standing Counsel that the Corporation will follow the

procedure, would mean that the Corporation will follow the procedure i.e. issuance of notices etc., after the disposal of writ petition. It is the specific case of the petitioner that respondents 3 and 4 and the subordinates of 2<sup>nd</sup> respondent visited the shops and building, made markings and informed the petitioner that the shops and building would be demolished. Thus, based on the pleading and material available on record, this court is of the opinion that the notices said to have been issued on 13.07.2020, which were filed along with the counter affidavit and additional counter affidavit are only an after-thought and to avoid the contempt proceedings.

21. In the writ petition order was passed on 22.07.2020 in the presence of learned standing counsel appearing for Municipal Corporation. 2<sup>nd</sup> respondent contemnor is Commissioner of the Corporation. According to petitioner, the petitioner served the copy of the order along with representation on 23.07.2020. After receipt of representation, the 2<sup>nd</sup> respondent-contemnor got the structure demolished. In this connection, in the first counter affidavit filed by 2<sup>nd</sup> respondent, nothing was stated about receipt of order copy.

However, in the additional counter affidavit, it was stated that order of the Court was received late in the evening, after the building/structure was demolished.

22. It is a settled position of law that once an order is passed in the presence of learned counsel appearing for either petitioner or respondent, parties to the litigation are made aware of the order passed by the Court. Parties to the case should not plead ignorance of the order. The pleading in the additional counter affidavit that copy of order was received after demolition is only an afterthought and such plea, in fact, raised to overcome the contempt proceedings. Thus, this Court is of the considered opinion that 2<sup>nd</sup> respondent-contemnor had the knowledge of the order passed by the Court, however, deliberately, and intentionally got the structure demolished.

23. It is pertinent to mention here that a police complaint was registered on 23.07.2020 at the instance of an employee of 2<sup>nd</sup> respondent-Corporation. In the said complaint, it was mentioned about survey conducted on 11.07.2020 and information to the building owners to remove the

encroachments. It was further mentioned in the complaint about the demolition of the building/structure at 4.50 p.m. on 23.07.2020 and obstructions caused. It is pertinent to mention here that in the complaint dated 23.07.2020 a reference was made about conducting of survey on 11.07.2020 but nothing was mentioned about issuance of notices under Sections 405 and 406 of HMC Act on 13.07.2020. Had the notices were served on 13.07.2020, in the complaint itself the authority would have mentioned about service of notices on 13.07.2020 also. This instance also makes the things more discernable that without service of notices under Section 405 & 406 of HMC Act, as alleged in the counter affidavit and additional counter affidavit, after the order was passed by the Court and after the 2<sup>nd</sup> respondent-contemnor is made aware of the order, the 2<sup>nd</sup> respondent-contemnor got the structure demolished. Even the photographs filed do not contain date. Thus, this Court is of the opinion that 2<sup>nd</sup> respondent-contemnor acted deliberately and intentionally with scant respect to the order passed by this Court.

24. The contention of the learned senior counsel appearing for 2<sup>nd</sup> respondent that notice under Sections 405 and 406 of HMC Act was served on 13.07.2020 and copy of the order received on 23.07.2020 late in the evening after the demolition falls to ground. The other contention of the learned senior counsel that the building was constructed by encroaching road, if petitioner constructed building by encroaching the road, the authorities should follow the procedure known to law. The authority ought not to have resorted to high handed act of demolition of the building/structure that too after the order passed by the Court to follow due process.

25. Thus, in view of the discussion *supra*, this Court is of the considered opinion that the 2<sup>nd</sup> respondent contemnor violated the order deliberately, willfully and intentionally.

26. In this connection, it is beneficial to refer to the relevant provisions of the Contempt of Courts Act. Section 2 (b) of the Act defines civil contempt to mean willful disobedience of any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking given to a Court.

Section 12 of the Act deals with punishment for contempt of court. Section 12(1) prescribes the punishment of six months simple imprisonment maximum or with fine which may extend to two thousand rupees or both. Proviso specifies that the accused may be discharged, or the punishment awarded may be remitted on apology being made to the satisfaction of the court. Explanation clarifies that the apology shall not be rejected on the ground that it is qualified or conditional if the accused makes it bona fide.

27. In **Baradakanta Mishra Vs. Bhimsen Dixit**<sup>1</sup>, the Hon'ble Apex Court held that contempt of Court signifies a willful disregard or disobedience of the Court by acting in opposition to the authority of Justice and dignity thereof. It further held that it signifies a willful disregard or disobedience of the Court order; it also signifies such conduct as tending to bring the authority and administration of law into disrepute.

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<sup>1</sup> (1973) 1 SCC 446

28. In the celebrated decision of **Attorney General Vs. Times Newspaper Ltd.**<sup>2</sup>, Lord Diplock stated:  
(All ER p. 71f)

“There is an element of public policy in punishing civil contempt, since the administration of justice would be undermined if the order of any court of law could be disregarded with impunity;....”

29. The Hon’ble Apex Court in **Supreme Court Bar Association v. Union of India**<sup>3</sup>, briefly explained the nature and purpose for which contempt jurisdiction would be exercised by the Constitutional Courts. It held thus:

“42. The contempt of court is a special jurisdiction to be exercised sparingly and with caution whenever an act adversely affects the administration of justice or which tends to impede its course or tends to shake public confidence in the judicial institutions. This jurisdiction may also be exercised when the act complained of adversely affects the majesty of law or dignity of the courts. The purpose of contempt jurisdiction is to uphold the majesty and dignity of the courts of law. It is an unusual type of jurisdiction combining “the jury, the

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<sup>2</sup> (1974) AC 273 : (1973) 3 All ER 54 : (1973) 3 WLR 298 (HL)

<sup>3</sup> (1998) 4 SCC 409

judge and the hangman” and it is so because the court is not adjudicating upon any claim between litigating parties. This jurisdiction is not exercised to protect the dignity of an individual judge but to protect the administration of justice from being maligned. In the general interest of the community it is imperative that the authority of courts should not be imperilled and there should be no unjustifiable interference in the administration of justice. It is a matter between the court and the contemnor and third parties cannot intervene. It is exercised in a summary manner in aid of the administration of justice, the majesty of law and the dignity of the courts. No such act can be permitted which may have the tendency to shake the public confidence in the fairness and impartiality of the administration of justice.”

30. In **E.T.Sunup Vs. C.A.N.S.S. Employees Association**<sup>4</sup>, the Supreme Court belittled the practice of the Government officials of circumventing and undermining the Court orders. In Para-16, the Court observed:

“16. It has become a tendency with the Government Officer to somehow or the other circumvent the orders of Court and try to take recourse to one justification or other. This shows complete lack of grace in accepting the

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<sup>4</sup> (2004) 8 SCC 683

orders of the Court. This tendency of undermining the court's order cannot be countenanced. This Court time and again has emphasized that in democracy the role of the Court cannot be subservient to the administrative fait. The executive & legislature has to work within Constitutional frame work, and the judiciary has been given a role of watch dog to keep the legislature & executive within check. In the present case, we fail to understand the counter filed by the appellant before the Court. On one hand they say that all the cases of GPF have been processed and on the other hand they are not prepared to revoke the administrative order. This only shows a deliberate attempt on the part of the bureaucracy to circumvent the order of the Court and stick to their stand. This is clear violation of Court's Order and appellant is guilty of flouting the Courts Order.”

While referring to the plea of showing mercy regarding penalty, the Supreme Court observed:

“But if the Court's orders are flouted like this, then people will loose faith in the courts. Therefore, it is necessary to deal with such type of violation of Court's order with strong hands and to convey to the authorities that the courts are not going to take things lightly.”

31. In **Anil Ratan Sarkar Vs. Hirak Ghosh**<sup>5</sup>, the Hon'ble Apex Court held that the Contempt of Courts Act has been introduced in the statute book for securing confidence of people in the administration of justice. If an order passed by a competent court is clear and unambiguous and not capable of more than one interpretation, disobedience or breach of such order would amount to contempt of court. There can be no laxity in such a situation because otherwise the court orders would become the subject of mockery. Misunderstanding or own understanding of the court's order would not be a permissible defence. It was further observed that –

“In the contextual facts there cannot be any laxity, as otherwise the law courts would render themselves useless and their order to utter mockery. Feeling of confidence and proper administration of justice cannot but be the hallmark of Indian jurisprudence and contraction by courts will lose its efficacy. Tolerance of law courts there is, but not without limits and only upto a certain point and not beyond the same.”

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<sup>5</sup> (2002) 4 SCC 21

32. In **Ashok Paper Kamgar Union v. Dharam Godha**<sup>6</sup>, the Hon'ble Apex Court held that the concept of "wilful disobedience" of an order of the Court. It was stated that "wilful" means an act or omission which is done voluntarily and with the specific intent to do something the law forbids or with the specific intent to fail to do something the law requires to be done, that is to say, with bad purpose either to disobey or to disregard the law. According to the Court, it signifies the act done with evil intent or with a bad motive for the purpose. It was observed that the act or omission has to be judged having regard to the facts and circumstances of each case.

33. In **Karnataka Housing Board Vs. C.Muddaiah**<sup>7</sup>, the Hon'ble Apex Court held that once a direction is issued by a competent court, it has to be obeyed and implemented without any reservation. If an order passed by a court of law is not complied with or is ignored, there will be an end of rule of law. If a party against whom such order is made has

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<sup>6</sup> (2003) 11 SCC 1

<sup>7</sup> (2007) 7 SCC 689

grievance, the only remedy available to him is to challenge the order by taking appropriate proceedings known to law. But it cannot be made ineffective by not complying with the directions on a specious plea that no such directions could have been issued by the Court. Upholding of such argument would seriously affect and impair administration of justice.

34. In **Maninderjit Singh Bitta Vs. Union of India (UOI) and Ors.**<sup>8</sup>, the Hon'ble Apex Court held that every person, be it a party to a *lis* before the court and even otherwise, must obey orders of the Court, in its true letter and spirit, with due respect for the institution.

35. In **L.D.Jaikwal Vs. State of U.P.**<sup>9</sup>, the Apex Court observed that:

20. We are sorry to say we cannot subscribe to the 'slap-say sorry-and forget' school of thought in administration of contempt jurisprudence, Saying 'sorry' does not make the skipper poorer. Saying sorry does not make the person taking the slap smart less upon the said hypocritical word being uttered. Apology shall not be paper apology and expression sorry should come from the heart and not from the pen. For it is one thing to say sorry is another to feel sorry.

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<sup>8</sup> (2012) 1 SCC 273

<sup>9</sup> (1984) 3 SCC 405

21. The apology tendered by the respondent-contemnor is neither a product of remorse nor is there any evidence of real contrition on his part. It is but a crude and crafty attempt to avoid being committed for contempt. Accepting such an apology, in the facts and circumstances of the present case, would result in the respondent-contemnor going scot free after committing gross contempt of Court.

36. In **Chairman, West Bengal Administrative Tribunal Vs S.K.Manobbor Hossain**<sup>10</sup>, the Hon'ble Apex Court observed that contempt jurisdiction enjoyed by the court is only for the purpose of upholding the majesty of judicial system that exists. While exercising this power the court must not be hyper sensitive or swung emotions, but must act judicially.

37. In **B.M.Bhattacharjee (Major General) Vs. Russel Estate Corporation**<sup>11</sup>, the Supreme Court observed that all the officers of the Government must be presumed to know that under the constitutional scheme obtaining in this country, orders of the Courts have to be obeyed implicitly and that orders of the Apex Court - for that matter any Court should not be trifled with.

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<sup>10</sup> (2012) 11 SCC 761

<sup>11</sup> (1993) 2 SCC 533

38. The Division Bench of composite High Court in **Advocate-General, Andhra Pradesh, Hyderabad Vs. V.Ramana Rao**<sup>12</sup> observed that:

“There are certain well recognized principles which govern the exercise of power and jurisdiction to punish for contempt. The power to commit for contempt will not be used for the vindication of a Judge as a person, but only with a view to protect the interests of the public for whose benefit, and for the protection of whose rights and liberties, the Courts exist and function.”

39. In **J.Vasudevan Vs. T.R. Dhananjaya**<sup>13</sup>, the Hon’ble Apex Court observed that:

“While awarding sentence on a contemnor, the Court does so to uphold the majesty of the law and to ensure that the unflinching faith of people in Courts remains intact. If the guilty are let off, and their sentence remitted on grounds of mercy, people would lose faith in the administration of justice. The Court is duty-bound to award proper punishment to uphold the rule of law, however high the person may be.”

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<sup>12</sup> AIR 1967 AP 299

<sup>13</sup> (1995) 6 SCC 249

40. Conspectus of the authorities referred to supra, punishing a person for contempt of court is indeed a drastic step and normally such action should not be taken. At the same time, however, it is not only the power but the duty of the court to uphold and maintain the dignity of courts and majesty of law which may call for such extreme steps. It is for proper administration of justice and to ensure due compliance with the orders passed by a court, the court should require taking strict view under the Act. It should not hesitate in exercising the mighty weapon of contempt.

41. Case at hand the demolition is shops on the ground floor and residential portion on the first floor. In fact, this court found that demolition was made, and 2<sup>nd</sup> respondent acted willfully and deliberately. The docket proceedings would disclose that on 7-7-2023, the learned counsel appearing for 2<sup>nd</sup> respondent/contemnor would submit that respondent(respondent) is taking steps to compensate the petitioner. A similar representation was made on 4-8-2023. However, 2<sup>nd</sup> respondent, for the reasons best known, did not take steps in that regard. The right to property though not a fundamental right, however, it is a constitutional right under

Article 300A of the Constitution of India. Neither in the counter affidavit nor the in the additional counter affidavit 2<sup>nd</sup> respondent tendered apology. The 2<sup>nd</sup> respondent/2<sup>nd</sup> contemnor is guilty of contumacious conduct of flouting the order of this court. The conduct of the officer in bringing down the majesty of the law and further creates doubts in society about the efficacy of the order of Constitutional Court.

42. Today the 2<sup>nd</sup> respondent/contemnor appeared before the Court. This Court pronounced the order holding that 2<sup>nd</sup> respondent/2<sup>nd</sup> contemnor violated the order dated 22.07.2020 in W.P.No.11985 of 2020. This Court also informed the 2<sup>nd</sup> contemnor about the sentence and fine as prescribed in Section 12 of the Act. 2<sup>nd</sup> respondent/2<sup>nd</sup> contemnor pleaded ignorance and further pleaded that, during his entire tenure, he was never punished *qua* violation of orders and further requested to take lenient view.

43. Considering the facts of this case and plea of the 2<sup>nd</sup> respondent/2<sup>nd</sup> contemnor this Court is of the view that custodial sentence apart from imposing fine is appropriate which commensurate with the contumacious act committed

by 2<sup>nd</sup> respondent/2<sup>nd</sup> contemnor. 2<sup>nd</sup> respondent/2<sup>nd</sup> contemnor is sentenced to simple imprisonment of one month and to pay a fine of 2,000/- (two thousand only) and in default of payment of fine, he shall undergo simple imprisonment of another period of 15 days. 2<sup>nd</sup> respondent/2<sup>nd</sup> contemnor shall pay fine of Rs.2,000/- within a period of three weeks from today. Subsistence allowance is fixed at Rs.750/- per day keeping in view the status of 2<sup>nd</sup> respondent/2<sup>nd</sup> contemnor as required under Rule 32(1) of the Contempt of Court Rules 1980. The petitioner shall bear the cost of subsistence allowance payable to the 2<sup>nd</sup> respondent/2<sup>nd</sup> contemnor.

The Registrar (Judicial) is directed to take necessary steps for execution of this judgment under Rule 34 (3) of the Contempt of Court Rules, 1980.

Order passed by this Court, is kept in abeyance, for a period of three weeks from today enabling the 2<sup>nd</sup> respondent/2<sup>nd</sup> contemnor to file appeal.

Contempt case against 1<sup>st</sup> respondent/1<sup>st</sup> contemnor is discharged since the learned counsel appearing for the

petitioner did not press and, in fact, the direction of this Court, to follow due process, is against 2<sup>nd</sup> respondent/2<sup>nd</sup> contemnor.

44. Accordingly, the contempt case is disposed of. No order as to costs.

As a sequel all the pending miscellaneous applications stand closed.

15<sup>th</sup> September, 2023

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**SUBBA REDDY SATTI, J**

**NOTE: LR Copy to be marked**

B/O  
PVD