

(1999) 09 AP CK 0112

In the Andhra Pradesh High Court

Case No : Contempt Case No. 1143 of 1999

M. Panduranga Rao

APPELLANT

Vs

Cheema Singh, Executive Officer, Secunderabad Cantonment Board and Others

RESPONDENT

Date of Decision : 30-09-1999

Acts Referred:

Cantonments Act, 1924 — Section 256
Contempt of Courts Act, 1971 — Section 12

Citation : (1999) 6 ALT 57

Hon'ble Judges : B. Sudershan Reddy, J

Bench : Single Bench

Advocate : M. Venkateswari, for the Appellant; Deepak Bhattacharjee, for the Respondent

Judgement

B. Sudershan Reddy, J.—I have heard the learned Counsel for the petitioner and the learned Standing Counsel for the Cantonment Board.

2. The plea taken by the first respondent in the counter-affidavit that as per the prevailing practice, once the appeal is filed against the proceedings initiated u/s 185 (1) of the Cantonments Act, 1924 (for short "the Act") status quo would be maintained until the appeal is placed before the appellate authority of the Board, during the ensuing Board meeting, is totally unacceptable. Such a plea is not available to be pressed into service by the first respondent in this particular case in view of the directions of this Court, directing the respondents herein to take appropriate action in the matter in accordance with law. The first respondent is duty bound to implement the order passed by this Court and cannot be allowed to raise such a flimsy objection in the matter of implementing the orders passed by this Court.

3. At any rate, as at present, action has been initiated by issuing necessary notice u/s 256 of the Act, against the persons who are alleged to have made illegal constructions. Thus, the first respondent has now complied with the

directions of this Court by taking appropriate action in accordance with law.

4. The delay in initiating action in terms of the directions of this Court is explained in the counter affidavit and the unconditional apology tendered for the lapse on the part of the Executive Officer in not issuing the notice u/s 256 of the Act, during the period from 2-2-1999 to 15-9-1999 is accepted. The respondent had tendered unconditional apology for the lapses. In the absence of such an unconditional apology, the Court would have taken a very serious view of the matter.

5. In view of the unconditional apology tendered by the first respondent, further proceedings against him are dropped. The contempt case is accordingly closed. There shall be no order as to costs.