
(2025) 05 AP CK 0280

In the Andhra Pradesh High Court, Amaravati

Case No : Contempt Appeal No: 9 Of 2015

M.k. Rameshan, Anantapur Dist.

APPELLANT

Vs

T Nagarathnamma Anantapur Dist Another And Others

RESPONDENT

Date of Decision : 02-05-2025

Acts Referred:

Citation : (2025) 05 AP CK 0280

Hon'ble Judges : R Raghunandan Rao, J;Dr. K Manmadha Rao, J

Bench : Division Bench

Advocate : P R Balarami Reddy

Final Decision : Disposed Of

Judgement

R. Raghunandan Rao, J

1. Heard Sri N. Sai Phanindra Kumar, learned counsel appearing for the appellant and Sri P. R. Bala Ram Reddy, learned counsel appearing for the respondents.

2. The 1st respondent herein was an authorized dealer of a fair price shop in Sunkireddipally Village, Madakasira Mandal of Anantapur District. She had approached the erstwhile High Court of Judicature at Hyderabad, for the State of Telangana and for the State of Andhra Pradesh, by way of W.P.N.27332 of 2014, with the complaint that the supply of essential commodities, that should be given to her for public distribution, was stopped. This Writ Petition came to be disposed of, by an order, dated 16.09.2014, with the observation that the respondents are bound to supply essential commodities to her, as long as her authorization was valid and subsisting.

3. After the disposal of the Writ Petition, a card holder, said to be attached to the fair price shop of the 1st respondent, had filed W.P.No.33679 of 2014, with the allegation that the essential commodities were still being given to the 1st respondent, though her authorization had been suspended. This Writ Petition also came to be disposed of, by an order, dated 11.11.2014, with the observation that

the 1st respondent would not be entitled to continue as fair price shop dealer, if her authorization had been suspended.

4. The appellant, herein, as the Tahsildar of the area, had issued proceedings, dated 15.12.2014, removing the 1st respondent from the fair price shop dealership. Aggrieved by the said removal, the 1st respondent filed W.P.No.39906 of 2014. This Writ Petition was allowed, by the High Court, by an order, dated 26.12.2014. It may also be noted that the Court, while allowing the Writ Petition, had observed that the conduct of the appellant herein was wholly mala fide and directed the appellant herein to pay costs of Rs.2,000/-from his personal funds.

5. The 1st respondent, after disposal of the Writ Petition, on 26.12.2014, had given a representation to the appellant, on 29.12.2014, requesting him to supply essential commodities. The 1st respondent also gave another representation on 31.12.2014 to the Sub-Collector/2nd respondent for restoration of such essential commodities. As neither the 1st respondent nor the Sub-Collector replied to her representation, the 1st respondent caused a legal notice to be issued to both these authorities on 02.02.2015. The 1st respondent had thereupon filed C.C.No.268 of 2015 on 16.02.2015. Thereafter, the appellant called upon the 1st respondent to pay necessary amounts, by way of Demand Draft, for release of the Kerosene Oil quota on or before 18.02.2015.

6. The appellant herein filed response to the Contempt Case stating that action could not be taken on the representation of the 1st respondent as certified copy of the order of the Court was not supplied within time. The appellant contended that, immediately after receiving the certified copy, steps were taken to restore supply of essential commodities to the 1st respondent.

7. The learned Single Judge did not accept this explanation and held that the appellant was guilty of contempt for deliberate disobedience of the orders of the Court. The learned Single Judge observed that the appellant, though fully aware of the fact that an order had been passed by the Court, on 29.12.2014 itself, deliberately chose not to comply with the directions of the Court and had sought to harass the 1st respondent herein. On that basis, the learned Single Judge, by an order, dated 26.06.2015, convicted the appellant as well as the 2nd respondent, for contempt of Court. A fine of Rs.2,000/- was levied on the Sub-Collector and a punishment of imprisonment of one month along with payment of fine of Rs.2,000/- was imposed on the appellant herein.

8. Aggrieved by the said order, dated 26.06.2015, the appellant has moved the present Contempt Appeal.

9. Sri Sai Phanindra Kumar, learned counsel appearing for the appellant would submit that the appellant had no intention of violating the orders of the Court and had offered his genuine apology for the delay in the implementation of the orders of the Court. The learned counsel would submit that the appellant was being cautious in giving up the representations of the 1st respondent and had

awaited the receipt of the certified copy of the order of the Court. The learned counsel contends that the delay, if any, was on account of non-receipt of certified copy of the order and not because of any deliberate attempt by the appellant to violate or disobey the orders of the Court.

10. As can be seen from the Judgment of the learned Single Judge, the appellant had knowledge of the orders of the Court, dated 26.12.2014, by 29.12.2014. However, the appellant chose not to comply with the directions of the Court till 16.02.2015, i.e., for a period of 1 ½ months. The contention of the appellant that he could not comply with the directions of the Court, due to absence of certified copy, cannot also be countenanced. As rightly pointed out by the learned Single Judge, nothing stopped the appellant from verifying with the learned Government Pleader or by ascertaining whether an order had been passed by this Court or not. There is no reason assigned as to why the appellant had chosen not to approach the learned Government Pleader, who had appeared in the matter or to verify from the Court as to the passing of the order, dated 26.12.2014.

11. In the circumstances, we affirm the finding of the learned Single Judge that the appellant had deliberately violated the directions of this Court, dated 26.12.2014.

12. In view of the aforesaid affirmation, the question of quantum of punishment remains. In the normal course, this Court would have affirmed the quantum of punishment set out by the learned Single Judge. However, the fact remains that the appellant has been under the threat of imprisonment for the last nine years. Apart from this, the learned counsel for the appellant would also draw the attention of this Court to the unqualified apology given by the appellant in this regard.

13. For the aforesaid reasons, the punishment awarded by the learned Single Judge is modified to payment of fine of Rs.2,000/- only. The said fine shall be deposited within a period of six (06) weeks from the date of receipt of this order, failing which the punishment awarded by the learned Single Judge would revive.

14. Accordingly, the Contempt Appeal is disposed of.

As a sequel, pending miscellaneous applications, if any shall stand closed.