

(2012) 11 KAR CK 0035
In the Karnataka High Court
Case No : CCC Civil No. 1265 of 2012

Srinivas and P. Sampath

APPELLANT

Vs

Sri Rama Reddy

RESPONDENT

Date of Decision : 29-11-2012

Acts Referred:

Citation : (2012) 11 KAR CK 0035

Hon'ble Judges : D.V. Shylendra Kumar, J;B. Manohar, J

Bench : Division Bench

Advocate : G. Narasi Reddy, for Sri M. Erappa Reddy, for the Appellant;

Final Decision : Dismissed

Judgement

Shylendra Kumar, J.—Petitioners in W.P. No. 6739/2006 are the complainants in this contempt petition. Petitioners had approached this Court seeking for quashing of certain proceedings of 3rd respondent therein-The Asst. Commissioner, Ramanagar Sub-Division, Ramanagar, Bangalore District etc., and for a further direction to the respondents in the writ petition to reserve the lands in Sy. Nos. 8, 9, 10 and 79 of Kethiganahalli, Bidadi Hobli, Ramanagar Taluk, Bangalore District, as Gomal and Graveyard by issuing a writ of mandamus. This court noticed that from out of 4 acres 32 guntas of government land in survey number an extent of 1 acres 15 guntas had been reserved for graveyard and the learned Government Advocate appearing for the State had submitted that it will be used exclusively for such purpose. Noticing this position this Court disposed of the writ petition reserving liberty to the respondents to use the remaining extent of government land referred to in Annexure-G therein, in accordance with law. This Court also observed that in case the petitioners desired the area reserved for being used as graveyard be enhanced and that the authorities can consider and pass orders within the stipulated time of two months.

2. The present contempt petition is on the premise that in spite of the complainants having given a representation on 18.7.2011 it has not been

disposed of so far.

3. Submission of Sri G. Narasi Reddy, learned counsel appearing for the complainant is that inaction on the part of the respondents is writ large on the face of the record and that though the time stipulated was two months, and the representation is given on 18.7.2011, there is no positive response to the same etc., Orders of the nature as passed in the writ petition are more out of sympathy and not based on any rights etc. The delay in considering the representation by itself in our considered opinion may not amount to contumacious conduct on the part of the accused. In the absence of any corresponding right, we do not find any contumacious act on the part of the accused. Without prejudice to the rights and remedies if any, available to the complainants, we dismiss this contempt petition.