

(2002) 11 AP CK 0095

In the Andhra Pradesh High Court

Case No : Review Petition No. 600 of 2002 in Contempt Appeal No. 7 of 2002
and L.P.A. No. 179 of 2002 in Contempt Case No. 1002 of 2001

Vice-Chairman, Hyderabad Urban Development Authority

APPELLANT

Vs

Diamond Hills Welfare Association

RESPONDENT

Date of Decision : 01-11-2002

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 114
Contempt of Courts Act, 1971 — Section 12, 15

Citation : (2002) 6 ALT 488

Hon'ble Judges : AR. Lakshmanan, C.J.;V. Eswaraiah, J

Bench : Division Bench

Advocate : Advocate General and S. Satyam Reddy, S.C, for the Appellant; C. Hanumantha Rao and M. Hari Babu, for the Respondent

Judgement

AR. Lakshmanan, C.J.—Both these matters being interconnected were heard together and are being disposed by this common Judgment.

2. Review Petition No. 600 of 2002 is filed by Smt. Lakshmi Parthasarathy, Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad (hereinafter referred to as review petitioner) seeking review of the orders of this Court dated 17-4-2002 dismissing the Contempt Appeal No. 7 of 2002 filed against the order of a learned Single Judge dated 21-2-2002 in Contempt Case No. 1002 of 2001 holding that she was guilty of contempt and directing compliance with the directions issued in W.P. No. 26192 of 1998 dated 11-11-1998 and the directions issued in C.C. No. 1289 of 1999.

3. L.P.A. No. 179/02 is filed against the directions issued in C.C. No. 1002 of 2001 directing the review petitioner to consider the grant of layout to the respondent-association without reference to the urban land ceiling clearance and title and to release the layout within a period of two months from the date of receipt of the order.

4. We have heard the learned Advocate General and Sri S. Satyam Reddy, learned Standing Counsel for HUDA appearing for the review petitioner, Sri C. Hanumantharao and Sri M. Hari Babu, learned counsel appearing for the respondent in review petition.

5. Before we take up the contentions of the parties, it is necessary to set out few facts leading to the filing of the present review petition.

6. M/s. Diamond Hills Welfare Association, Gachibowli, Serilingampally Mandal, Rangareddy District (hereinafter referred to as respondent-association) has filed W.P. No. 26192 of 1998 for a Writ of Mandamus directing the respondents to release the lay-out in respect of S. Nos. 48 to 52 and 53(P), Gachibowli village as per the decision of the Government in Memo. No. 3283/I(1)/89-3 M.A. dated 31-12-1990 to the respondent-association.

7. The respondent-association consists of 353 plot owners in S. Nos. 48 to 52 and 53 (P), Gachibowli village. The association has applied for conversion of the land from recreation zone to residential zone to the Government and HUDA. The State Government issued Memo dated 31-12-1990 converting land in S. No. 18 (part), S. Nos. 48 to 52 and 53 (part) to an extent of Ac. 65.00 from recreational and tourism use to residential use subject to the conditions that the layout should be got regularised through Serilingampally Municipality in terms of G.O.Ms. No. 367 M.A. dated 12-7-1988 and payment of development charges to HUDA and directed to issue a draft notification in the Official Gazette calling objections. The association has accordingly paid Rs. 2,40,901/- towards development charges. The association has also applied for grant of layout for the aforesaid survey numbers. As the respondents have not regularised the lay out of the petitioners, the association has filed the aforesaid writ petition. The grievance of the members of the association is that due to the inaction of the HUDA in not releasing the lay out, they are not able to construct their dwelling houses. The case of HUDA is that the Government has not issued final notification and as such no action could be taken. At the stage of admission, after hearing both the parties, a learned Single Judge of this Court disposed of the Writ Petition on 11-11-1998 in the following terms:

The petitioner is a welfare association owning certain land by its members and it made an application to the Government for conversion of the said land from recreational zone to residential zone under Zoning Regulations. Considering the nature of the request the Government issued draft notification on 31-12-1990 seeking objections from the public. However, after considering the matter the Government issued final notification in G.O.Ms. No. 85, M.A. dated 15-12-1994. The grievance of the petitioner is that even though the Government have cleared the matter and permitted for the conversion sought, the respondents are not considering the matter. It is also stated that the petitioner-association has already deposited the development charges in a sum of Rs. 2,40,901 /- with HUDA on 12-3-1993 itself and therefore they seek appropriate directions.

The learned Standing Counsel appearing for HUDA submits that since the Government have not issued final notification, no action is being taken.

As seen from G.O.Ms. No. 85 dated 15-12-1994, the Government already communicated the order of conversion to HUDA. Under these circumstances, it is necessary that the second respondent should consider the layout submitted by the petitioner and approve the same in accordance with rules keeping in view the directions issued by the Government in Memorandum dated 31-12-1990 and the G.O.Ms. No. 367 dated 12-7-1988. This exercise shall be done within a period of six weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

8. The HUDA by their letter-dated 3-3-1999 rejected the representation of the respondent dated 19-11-1998 on the ground that the proposals were not considered as the Government has not issued a final change of land use orders in relation to survey Nos. 48 to 52 and G.O.Ms. No 85 dated 16-2-1994 mentioned in the order of the learned Single Judge is not applicable to the land in question and that no proposals for regularisation of lay out as per G.O.Ms. No. 367 M.A. dated 12-7-1988 were received either from municipality or from the respondent-association.

9. Complaining violation of the aforesaid directions issued by the learned Single Judge, the respondent-association filed Contempt Case being CC. No. 1289 of 1999.

10. In the counter filed by HUDA in the Contempt Case it is stated that the earlier draft notification issued in Memo. No. 3283 dated 31-12-1990 was superseded and a fresh draft notification in Memo. No. 3283 M.A. dated 22-11-1993 was issued for conversion of land use for an extent of Ac. 5.473 of land situated in S. No. 18 (Part) of Gachibowli village and the same was confirmed in the final notification issued in G.O.Ms. No. 85 dated 16-2-1994 and no final notification permitting change of land use for the land covered by the writ petition i.e., in relation to S. Nos. 48 to 52 and 53 of Gachibowli village was issued. The applicant has to submit the application after issuance of final notification for change of land use by the Government and no application of the respondent is pending with HUDA.

11. It appears from the material on record that in respect of the land in question the Government in Memo. No. 28802/11/99-1 M.A. dated 28-1-2000 has issued another draft variations notification in relation to land situated in many survey numbers of Gachibowli village including the survey numbers 48 to 53 for publication in the Gazette for change of land use from conservation and recreational and tourism use zone to residential use zone. Thereafter, the Government in G.O.Ms. No. 183 dated 24-3-2000 issued final notification confirming the draft variation converting the entire land in dispute earmarked for conservation and recreational and tourism use zone into residential zone. Taking notice of the aforesaid Government Order, the learned Single Judge disposed of

the C.C. No. 1289 of 1999 on 28-3-2000 as follows:

It is now brought to the notice of this Court that the Government issued G.O.Ms. No. 183, dated 24-3-2000 converting entire area of 1375 acres including the land in question from recreation zone to residential zone. In view of this submission, no further orders are necessary in the contempt case. Accordingly, the contempt case is disposed of with a direction that the orders of this Court passed in Writ Petition No. 26192 of 1998 shall be complied within a period of eight (08) weeks from the date of receipt of a copy of this order keeping in view the G.O. issued by the Government in G.O.Ms. No. 183 dated 24-3-2000.

12. As the HUDA has not implemented the aforesaid orders and not regularised the layout of the respondent-association, a fresh Contempt Case being C.C. No. 1002 of 2001 was filed.

13. In the counter filed by HUDA in CC. No. 1002 of 2001, it is stated that regularisation of Gram Panchayat layouts will have to be routed through the concerned Municipality as per G.O.Ms. No. 367 dated 12-7-1988 and the respondent-association has to approach Serilingampally Municipality and get the regularisation proposals forwarded to the respondent and unless and until the proposal comes from the municipality, no action can be taken. HUDA also requested the municipality to forward the proposals along with the resolution of the Municipal Council.

14. In the additional counter, it is stated that the application of the petitioner for regularisation of the layout was processed after the Municipality forwarded the proposals and after scrutiny it was found that the petitioner has to comply with certain conditions. All the 488 sale deeds submitted by the respondent-association were executed by M/s. Kastopa Corporation and the land in question is in civil dispute as there are protected tenants claiming rights over the land. Unless the documents are produced establishing the ownership of vendors of the respondent-association, layout cannot be regularised and that the members of the respondent-association have also not fulfilled the condition Nos. 5 to 10 imposed in G.O.Ms. No. 183. The counter has also pointed out certain other objections covered by G.O.Ms. No. 65 M.A. dated 5-2-1987 and G.O.Ms. No. 367 M.A. dated 12-7-1988, which the association has to comply with for regularisation of the layout. It is contended that even as per the orders of the learned Single Judge, the respondent-association has to comply with the said objections.

15. After hearing both sides, the learned Single Judge has passed an elaborate order on 25-1-2002 holding the review petitioner guilty of the contempt of the orders of this Court in W.P. No. 26192 of 1998 dated 11-11-1998 and the orders passed in CC. No. 1289 of 1999 dated 28-3-2000. It was held:

Keeping in view the facts and circumstances of the case and the matter which has taken a considerable length of time right from the disposal of the case and the way in which the matter has been dealt with by the respondent itself

indicates that the respondent was inclined to disobey the orders rather than complying with the orders of this Court. It is nothing but wilfully disrespecting and disregarding the authority of the court, therefore, this court is constrained to exercise the power of contempt for upholding the dignity of the Court and majesty of law.

Under these circumstances, this Court holds that the respondent is guilty of the contempt of the orders of this Court in W.P. No. 26192 of 1998 dated 11-11-1998 and Contempt Case No. 1289 of 1999, dated 28-3-2000. The respondent was given opportunity to express her say on the question of sentence. She had tendered unconditional apology and that she will be more careful in future.

The respondent is a senior IAS Officer, keeping in view her future service prospects, the age of the officer and that she has offered unconditional apology that this Court takes lenient view of the matter and warns the officer to be careful in future in dealing with the court matters.

Accordingly, she is let off with a warning not to be recorded in the service registers or the service record of the respondent so as not to cause any obstruction to her service prospects or career.

16. It was further directed:

The respondent is directed to consider the matter now without reference to the Urban Land Ceiling clearance and the title and release the layout within a period of two months from the date of receipt of a copy of this order. If necessary the respondent shall approach the Government for further directions so as to ensure that the layout is cleared at the earliest possible time as it is submitted by the learned counsel for the petitioner-association that the land encroachers and grabbers are turning their eyes over the property and to protect from the onslaught of the unauthorised occupants.

The Contempt Case is accordingly disposed of.

17. Aggrieved by the aforesaid order, the HUDA has filed Contempt Appeal No. 7 of 2002 which was disposed on 7-4-2002 as under:

We have perused the orders passed by the learned Single Judge in W.P. No. 26192 of 1998 dt. 11-11-1998, in Contempt Case No. 1289 of 1999 dated 28-3-2000 and the present order passed by the learned Single Judge in Contempt Case No. 1002 of 2001 dated 25-1-2002.

In the contempt case before the learned Single Judge, the respondent/officer therein tendered her unconditional apology and stated that she would be more careful in future. The learned Judge by taking a lenient view of the matter, after accepting the unconditional apology, disposed of the contempt case and gave direction to the respondent as seen from the last paragraph of the order. In our opinion, no case is made out by the appellant for entertaining this contempt appeal. The Contempt Appeal fails and is dismissed.

18. The present review application has been filed seeking review of the aforesaid order.

19. The learned Advocate General contended that G.O.Ms. No. 85 dt. 16-2-1994 referred to in the order dated 11-11-1998 has no application to the case of the respondent-association. It was vehemently contended that the directions to consider the layout as per G.O.Ms. No. 367 dated 12-7-1988 has been complied with in accordance with the rules and procedure and the application of the respondent has been rejected and as such the C.C. No. 1289 of 1999 does not lie and the respondent ought to have filed a fresh writ petition. The learned Single Judge ought not to have gone into the merits of the order passed by the respondent on 3-3-1999.

20. It was further contended that the Contempt Court has no jurisdiction to issue fresh directions in the Contempt Case. G.O.Ms. No. 183 dated 24-3-2000 was issued subsequent to the directions issued in the Writ Petition and since the application of the respondent has been considered and rejected by then as per the orders in the writ petition, the learned Single Judge ought not to have issued fresh directions in the contempt case referring to G.O.Ms. No. 183.

21. Even otherwise, it was contended that HUDA has not received the application for regularisation of layout either from the respondent or from the municipality. The resolution of the municipality did not indicate that the application had been scrutinised in accordance with the procedure laid down and therefore a letter was addressed to the municipality to scrutinise the application in accordance with G.O.Ms. Nos. 183 and 367. Before a lay out is regularised, clearance from the ULC authorities should exist, but the respondent has filed no such clearance. It was further submitted that during the course of contempt proceedings, when the learned Single Judge expressed his displeasure that the petitioner raised fresh objections from time to time and she had not conducted herself in a way the order enjoins, the petitioner who was present in the Court expressed her regret for the impression being created and explained her difficulty, but the same has been recorded in the judgment as unconditional apology.

22. It was further argued by the learned Advocate General that the order in CC.1289 of 1999 was passed on 28-3-2000 whereas the Contempt Case No. 1002 of 2001 was filed on 2-8-2001 and as such the contempt case is hopelessly time barred and the same ought not to have been entertained. The Supreme Court held that whether a plea of limitation is raised or not, it is the duty of the Court to examine such aspect and to decide the issue and reliance in this connection has been placed on the decisions of the Apex Court in Binod Bihari Singh Vs. Union of India, and State of Maharashtra Vs. Digambar, .

23. Learned Advocate General has placed reliance on the decision of the Apex Court in J. Parihar Vs. Ganpat Duggar and others, , in support of his contention that the contempt Court has no jurisdiction to issue any further directions. Therefore, according to the learned Advocate General, the order in CC. No. 1289

of 1999, which purports to give a direction while recognising that no contempt has been committed, is without jurisdiction and the order is a nullity. Consequently, C.C. No. 1002 of 2001 is not maintainable.

24. It was vehemently contended that the order of the learned Single Judge in C.C. No. 1002 of 2001 in so far as it issued a direction not to insist upon Urban Land Ceiling Certificate is opposed to Section 14(2) of the Urban Area Development Act and placed reliance on the decision of the Apex Court Civil Appeal No. 7848 of 2001 dated 12-4-2002. Reliance has also been placed on the decision of the Apex Court in J and K. Public Service Commission, etc. Vs. Dr. Narinder Mohan and others etc. etc., and State of Bihar and others Vs. Ramdeo Yadav and others, , wherein it was held that no mandamus can issue to direct an authority to disobey the law.

25. The review petitioner has also filed L.P.A. No. 179 of 2002 against that part of the order of the learned Single Judge in CC. No. 1002 of 2001 directing the petitioner to grant permission without insisting on clearance from the ULC and the title and to release the layout within a period of two months from the date of receipt of the order as, according to the petitioner, it would amount to disobey the law since Section 14(2) of Urban Area Development Act which regulates the grant of permission specifically commands that such permission should not be given without an Urban Land Clearance Certificate.

26. Mr. Hanumantharao, learned counsel appearing for the respondent-association would strenuously submit that in the review petition for the first time new points have been raised which is impermissible in law and the review petitioner having dealt with the issue of conversion for the last seventeen years now cannot contend before this Court, that too in the review petition, contrary to its earlier stand before this Court. He would further submit that respondent-association has paid the total developmental charges of Rs. 2,40,901 /- as calculated and informed by the review petitioner and in the letter dated 26-6-1995 addressed to the Government the review petitioner had clearly informed to the Government that the individual plot owners had formed into an association and requested for change of land use and the association submitted 488 copies of registered sale deeds out of 533 plots executed by Kastopa Corporation and 24 others during the years 1986-88. Our attention has also been drawn to various G.Os and orders passed by the Government and referred to in the reply affidavit and filed as Annexure in the paper book filed by the review petitioner and in particular G.O.Ms. No. 733 Revenue Department dated 31-10-1988, G.O.Ms. No. 289 M.A. dated 1-6-1989, Memo No. 3283 dated 31-12-1990 wherein Government had issued specific orders converting the land use in respect of 65 acres of land in S. Nos. 18 (part), 48 to 52 and 53 (p) of Gachibowli village subject to fulfilment of two conditions. Our attention has also been drawn to the orders passed in statutory appeal preferred by the members of the association u/s 33 of the Urban Land Ceiling Act in appeal C. No. Hyd/23/96 dated 1-8-1996 wherein the appellate authority set aside the orders

of the Special Officer and Competent Authority u/s 8(4) of the Act dated 18-9-1995 declaring the plots of the members of respondent-association as excess. The plots of the members of the association are out of the purview of the provisions of the Urban Land Ceiling Act.

27. He would further submit that the contention of the review petitioner that the issue of limitation in the contempt case touches the jurisdiction of the case is untenable. The petitioner has clearly admitted in the review petition that such a contention was not raised before the learned Single Judge or before the Division Bench. He would further submit that the review petitioner cannot seek review of the orders of this Court in C.A. No. 7 of 2002 inasmuch the orders dated 11-11-1998 in W.P. No. 26192 of 1998 had become final.

28. It is further submitted that the issue of scrutinising and verifying and compliance of the terms mentioned in G.O.Ms. No. 183 dated 24-3-2000 does not arise as the respondent-association was only to comply the two directions mentioned in Memo. No. 3283 dated 31-12-1990 which conditions were complied with by the respondent-association ten years back. He would also submit that there is no fresh cause of action as the direction issued in W.P. No. 26192 of 1998 dated 11-11-1998 had become final and the review petitioner cannot agitate the same. The review petitioner has to honour and implement the orders of the learned Single Judge as well as the orders passed by the Division Bench in the Contempt Appeal dated 17-4-2002. In support of his contention that the review petitioner should be punished for contempt for continued inaction and for non-compliance of the various orders of this Court, Mr. Hanumantharao has placed reliance on the decisions in M.C. Mehta Vs. Union of India and Others, ; In In Re: Arundhati Roy, . Mohammad Idris and Another Vs. Rustam Jehangir Babuji and Others, and Pallav Sheth Vs. Custodian and Others, .

29. Mr. Hanumantharao submitted that the review petition and the LPA are liable to be dismissed with exemplary costs in order to do substantial justice and make way for implementing the orders of this Court in W.P. No. 26192 of 1998 dated 11-11-1998. He would submit that the members of the respondent-association are denied to have their own houses constructed in the lands lawfully purchased by them in spite of their legitimate and lawful persuasion before the authorities of the review petitioner and the Governmental authorities.

30. We have earlier extracted the order passed by the Division Bench in C.A. No. 7 of 2002. The contempt appeal was disposed of after hearing both the parties. The Division Bench rejected the appeal on the short ground that the review petitioner had submitted an unconditional apology, which has been accepted by the learned Single Judge and therefore no case has been made out for interference. It is now submitted by the learned Advocate General that at the time of hearing of the contempt appeal several legal aspects pertaining to the case could not properly be presented to the Court and the review petitioner has now been advised to present the present review petition to bring to the notice of the Court various aspects legal and factual, which goes to the root of the matter.

31. It is true and settled law that a mistake of a counsel is sufficient ground for invoking review jurisdiction. It is also true that the Court has inherent power to recall its order in appropriate cases. But the application of these principles would depend upon the facts and circumstances of each case. In this back ground we have now to see whether the order passed by this Court in contempt appeal is liable to be recalled either wholly or partly. We have already noticed that since the review petitioner has tendered an unconditional apology, the same was accepted by the learned single Judge for the reasons recorded in his order and taking a lenient view of the matter closed the contempt petition with a warning not to be entered in her service book so as not to cause any obstruction to her service prospects or career. The learned Single Judge has elaborately dealt with all the aspects involved and recorded a finding that the review petitioner is guilty of the contempt of Court. Unless the said finding is erroneous or ex facie illegal, it would not be possible for the appellate Court exercising contempt jurisdiction to interfere with the same. The main objection of the review petitioner is that G.O.Ms. No. 85 dated 15-2-1994 referred to in the order dated 11-11-1998 does not relate to the land possessed by the members of the respondent-association and no final notification confirming the draft variation issued in Memo. No. 3283 dated 31-12-1990 has been issued in the case of the respondent-association. But, nothing prevented the review petitioner to file an appeal against the said order or to bring the same to the notice of the learned Single Judge by way of review application. Having failed to do so and having allowed the said order to become final, now, the review petitioner cannot be permitted to contend that the order of the learned single Judge is not implementable. The plea of the review petitioner that by oversight no appeal was filed is of no consequence.

32. Further, it is interesting to notice that by the time the C.C. No. 1289 of 1999 is disposed of, final notification confirming the draft variation issued in Memo No. 3283 dated 31-12-1990 permitting conversion of land use to residential has been issued in G.O.Ms. No. 183 dated 24-3-2000 and taking notice of the same, the learned Single Judge disposed of the said contempt case directing the authorities to comply with the orders passed in the Writ Petition within a period of eight weeks from the date of receipt of a copy of the order. This cannot be treated as a further direction as what all the learned Single Judge directed is only to comply with the order passed in the writ petition within a period of eight weeks. Pursuant to these directions and since the members of the respondent-association had already paid the No. 3283 dated 31-12-1990 the matter ought to have been expedited by HUDA. In this review of the matter, we do not find any manifest error in the order of the learned Single Judge holding the review petitioner guilty and we uphold the same. Further, the learned Single Judge taking a lenient view of the matter let off the review petitioner only with a warning not to be recorded in the service book so that the officer will be careful in future in dealing with the Court matters.

33. Had the order concluded there, the matter would have been different. But, it is otherwise. The learned Single Judge has, however, issued further directions to

consider the matter without reference to the urban land ceiling clearance from the competent authority, which was questioned in the review petition as also in the L.P.A. The learned Advocate General submitted that the Court deciding a contempt case has no jurisdiction to issue any further directions. There cannot be any dispute about the said proposition and the various decisions relied upon by the learned Advocate General. After recording the finding that the review petitioner is guilty of contempt of Court, the learned Single Judge ought not to have issued a direction to grant the layout without insisting on Urban Land Clearance Certificate and title. That part of the order of the learned Single Judge giving further directions in the contempt case is clearly without jurisdiction as held by the Apex Court in *J.S. Parihar v. Ganpat Duggar* (3 supra) and the same cannot be sustained. Further, such a direction would also be contrary to Section 14(2) of the Urban Area Development Act as also the relevant rules and regulations governing the disposal of applications for regularisation of the layouts. In this connection, reliance has been placed on the Judgment of the Apex Court developmental charges as per the Memo in *Govt. of Andhra Pradesh v. Sridevi* (Civil Appeal No. 7848 of 2001 dated 12-4-2002) wherein the Apex Court reversed the judgment of this Court giving similar directions. The Supreme Court held that a direction to pass lay out plans without insisting on No Objection Certificate from the Special Officer-cum-Competent Authority under the Urban Land Ceiling Law is illegal. It is well settled principle of law that no mandamus can issue to direct the authority to disobey the law.

34. The learned Advocate General then contends that the Contempt Case No. 1002 of 2001 was hopelessly time barred and therefore the learned Single Judge ought not to have entertained the same. According to him, the issue of limitation touches the jurisdiction of the Court and this Court should consider that issue even though such objection was not raised either before the learned Single Judge or the Division Bench. We are unable to accede to the said contention. As rightly pointed out by the learned counsel appearing for the respondent-association absolutely there is no pleading in regard thereto and therefore when no objection was raised either before the learned Single Judge or even before the Division Bench, it is not incumbent upon the learned Single Judge or the Division Bench to decide or consider the same.

35. The L.P.A. is filed against that part of the directions issued in CC. No. 1002 of 2001 directing the review petitioner to consider the matter without reference to the Urban Land Ceiling clearance and title and release the layout within a period of two months from the date of receipt of copy of the order.

36. It is argued by the learned counsel for the respondent-association that the LPA is not maintainable in law. We are unable to agree with the said submission in view of the Judgment rendered by a larger Bench of this Court in *B.F. Pushphaleela Devi v. State of Andhra Pradesh, Education Department* 2002 (5) ALT 105 wherein it was held that the LPA is maintainable if the Court has determined some right or liability of the parties in the Judgment. From the

nature of the directions issued by the learned Single Judge, we are of the view that the LPA is maintainable. As already held, the learned Single Judge has no jurisdiction to issue any fresh directions in contempt case to grant layout without insisting on clearance from the ULC as the same would amount to a direction to disobey the law since Section 14(2) of the Urban Area Development Act which regulates the grant of permission specifically commands that such permission should not be given without an Urban Land Clearance Certificate. There is also dispute with regard to title. It is, therefore, for the writ petitioners to satisfy the authorities in regard to their title to the property and their entitlement for sanction of the layout. It is also true that requirement of clearance certificate from the ULC is necessary to satisfy the concerned authority about the title of the members of the respondent-association to the land in question. This requirement, which is in public interest, cannot be asked to be ignored. Article 226 of the Constitution does not empower the court to issue orders, which are contrary to public interest. We have therefore no hesitation to set aside that part of the order of the learned Single Judge passed in C.C. No. 1002 of 2001 and confirm the finding given by the learned Single Judge holding the review petitioner guilty of contempt. We make it clear that this order holding her guilty of contempt will not be a stigma on her career.

37. No doubt the Urban Development Authority must satisfy itself whether the members of the respondent-association possess title to the property in question and the layout application must conform to all the statutory rules and regulations governing the matter. But the matter is pending with the authorities for the last more than 17 years and the authorities cannot be permitted to take their own time in finalising the issue and drag on further and further. The Writ Petition was filed in the year 1998 and both the parties are not in a mood to come within the possible field and are waging a war against each other. There is no purpose in postponing the matter any further. Therefore, some time limit is to be fixed to resolve the dispute without any further delay. We, therefore, in substitution of the directions issued by the learned Single Judge issue the following direction:

"The review petitioner and HUDA shall consider the grievance of the respondent-association in its proper perspective and dispose of the matter with reference to the various Government Orders, correspondence, communications etc., filed as annexures to the Paper Book filed by the review petitioner as also the documents, communications, Government Orders etc. filed as annexures in the Paper Book filed by the respondent-association and give effect to the order passed by the learned Single Judge dated 11-11-1998 in W.P. No. 26192 of 1998 within a period of three months from the date of receipt of a copy of this order and also with reference to the rules and regulations and in accordance with law".

38. The review petition is partly allowed and the L.P.A. is also partly allowed.