APHC010059392025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3332]**
(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CONTEMPT CASE NO: 401/2025

Between:

1. Jangam Reddeppa, S/o. (late) Seetha Ramayya, aged about 68 years R/o.D.No.17-113, Main Bazar, B. Kothakota, village and mandal, Annamayya district.

...PETITIONER

AND

1. G V Pallavi, The Municipal Commissioner, B.Kothakota municipality, Anamayya district.
2. Garla Sankar babu deleted, S/o. G.Nagarjuna, aged about 46 years, r/o. 13-45, main bazar, b. Kothakota, village and mandal, annamayya, district. (R2 is deleted from cause title as per court order dated 10 07 2025 vide I.A.No.2 of 2025 in cc no 401 of 2025)
3. Garla Naresh Kumar deleted, s/o. G. Nagarjuna, aged about 33 years. R/o. 13-45, main bazar, b. Kothakota, village and mandal annamayya, district. (the respondent no.1 in the writ petition is not shown as party as there is no direction against the respondent no.1 in the writ petition) (R3 is deleted from cause title as per court order dated 10 07 2025 vide I.A.No.2 of 2025 in cc no 401 of 2025)
4. Ms B.Rama Devi, the Municipal Commissioner, B.Kothakota Municipality, Anamayya district.

...CONTEMNOR(S):

Petition under Sections 10 to 12 of Contempt of Courts Act 1971 praying that in the circumstances stated in the affidavit file herein the High Court may

be pleased to punish the Respondent herein for willful violation and deliberate disobedience to the orders passed by his Lordship Hon'ble Sri Justice RAVI CHEEMALAPATI in W.P.NO.12512 of 2024 dated 24-06-2024, under Sections 10 to 12 of Contempt of Courts Act and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dispense with the filing of the certified copy of the order dated. 24-6-2024 passed by Hon'ble RAVI CHEEMALAPATI in W.P.NO. 12512 of 2024 and pass

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to delete the respondent no.2 and 3 herein i.e., Garla Sankar Babu, Garla Naresh Kumar as party respondents and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased to re-call the bailable warrant of arrest issued on 02.04.2026 in CC.No.401 of 2025 and pass

Counsel for the Petitioner:

1. PILLIX LAW FIRM

Counsel for the Contemnor(S):

1. NAGA RAJU KOLLATI
2. GUDAPATI LAKSHMI NARAYANA

RESERVED ON: 30.04.2026

PRONOUNCED ON: 18.06.2026

UPLOADED ON: 18.06.2026

The Court made the following order:

This contempt case is filed against the respondents for willful disobedience of orders dated 24.06.2024 passed by this Court in W.P.No.12512 of 2024.

2. Heard Sri Aditya Harsha Vardhan, learned counsel representing M/s Pillix Law Firm appearing for the petitioner and Sri Gudapati Lakshmi narayana, learned counsel for the contemnors/respondents.

3. Learned counsel for the petitioner in elaboration contended that, the petitioner filed W.P.No.12512 of 2024 against the respondent authorities for not taking action against the illegal construction of G+1 building in Sy.No.708-A, Main road, D.No.17-112 at B.Kothakota Village and Mandal, Annammaya district made by the unofficial respondent nos.3 & 4 therein. He further submitted that, this court on 24.06.2024 has disposed of the said writ petition directing the authorities to take steps in accordance with law against the unauthorized constructions/deviations, if any made in the subject property after affording an opportunity of hearing to the parties concerned and pass a reasoned order within a period of three months from the date of receipt of copy of the order. Inspite of the said direction, the respondent authorities did not take any action against the unauthorized constructions/deviations that is being carried out in the subject property and evidently no notice was issued to the petitioner as well, thereby willfully flouted the orders of this Hon'ble court. As such, the respondents are guilty of contempt of Courts and are liable to be

punished under the provisions of Contempt of Courts Act and accordingly prayed to punish the respondents herein.

4. On the other hand, learned counsel for the respondents on counter of the 1st respondent submitted that, the respondent authorities have not violated or disobeyed the orders passed in W.P.No.12512 of 2024 and that she has issued notices dated 17.11.2025 to respondent nos.3 & 4 in the writ petition and sought explanation and also filed complaint against them and the said fact was suppressed by the petitioner in the present contempt case.

Learned counsel for the respondents on the counter of the 4th respondent, Ms.B.Rama Devi, further submitted that, the 1st respondent has issued notice dated 30.12.2025 to the respondent nos.3 & 4 in the writ petition (who made unauthorized constructions) to attend before her in person or through their advocate on 02.01.2026 and submit their arguments but subsequently, 1st respondent was transferred without passing any orders and the 4th respondent has taken charge as the Commissioner, B.Kothakota Nagara Panchayat on 24.01.2026. He further submitted that, the 4th respondent has issued notice dated 02.02.2026 to the respondent nos.3 & 4 in the writ petition to attend and submit their arguments as per their explanation and records. He further submitted that, respondent nos.3 & 4 have submitted their application under BPS-2025 scheme for regularization of the constructions made by them and the same is pending in view of the stay orders passed by the Hon'ble High court in W.P.(PIL).No.245 of 2025 and the said BPS scheme was stayed. He further submitted that, the 4th respondent

has passed orders on 09.03.2026 as per the directions of the Hon'ble High Court in W.P.No.12512 of 2024 and communicated the same to the respondent nos.3 & 4 in the writ petition. As such, there is contempt against the respondents and accordingly prayed to close the contempt case.

5. Perused the record and considered the submissions of both the learned counsel.

6. The petitioner filed W.P.No.12512 of 2024 against the respondent authorities for not taking action against the illegal construction of G+1 building in Sy.No.708-A, Main road, D.No.17-112 at B.Kothakota Village and Mandal, Annamayya district so made by the respondent nos.3 & 4 therein, wherein this court has disposed of the said writ petition on 24.06.2024 with the following direction:

> "*Respondent authorities concerned are hereby directed to take steps in accordance with law against the unauthorized constructions/deviations, if any made by the Respondent nos.3 & 4 in the subject property after affording an opportunity of hearing to the parties concerned and pass a reasoned order within a period of three(03) months from the date of receipt of copy of this order".*

7. The contention of the petitioner is that, inspite of the said direction, the respondents have not taken any steps against the said unauthorized constructions, thereby disobeyed the orders of this court, as such filed the present contempt case.

8. In ***Ram Kishan Vs Tarun Bajaj*** [1], it was held that, in order to punish a contemnor it has to be established that disobedience of the order is willful. The word 'willful' introduces a mental element and hence, requires looking into the mind of a person/contemnor by gauging his actions, which is an indication of one's state of mind. 'Willful' means knowingly intentional, conscious, calculated and deliberate with full knowledge of consequences flowing therefrom. It excludes casual, accidental, bonafide or unintentional acts or genuine inability.

9. In ***Kapildeo Prasad Sah and Ors. v. State of Bihar and Ors***[2], the Hon'ble Supreme Court has held that, for holding a person to have committed contempt, it must be shown that there was willful disobedience of the judgment or order of the Court. But it was indicated that even negligence and carelessness may amount to contempt. It was further observed that issuance of notice for contempt of Court and power to punish are having far reaching consequences, and as such, they should be resorted to only when a clear case of wilful disobedience of the court's order is made out. A petitioner who complains breach of Court's order must allege deliberate or contumacious disobedience of the Court's order and if such allegation is proved, contempt can be said to have been made out, not otherwise. The Court noted that power to punish for contempt is intended to maintain effective legal system. It is exercised to prevent perversion of the course of justice.

[1] (2014) 16 SCC 204
[2] 1999 (7) SCC 569

10. In ***Anil Ratan Sarkar and Ors. v. Hirak Ghosh and Ors***[3], the 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 defense. The power under the Act must be exercised with utmost care and caution and sparingly in the larger interest of the society and for proper administration of justice delivery system. In the present case, the order passed by this Court is clear and unambiguous and not capable of more than one interpretation, as such breach of such order would amount to contempt of Courts.

11. As could be seen from the record, more particularly from the counters filed by the contemnors, it could be seen that notices have been issued to the respondent nos.3 & 4 in the writ petition inviting their explanation against the unauthorized construction carried out by them. The counter filed by the 4th respondent, Ms.B.Rama Devi, would go to show that, after she has taken charge as Commissioner in place of 1st respondent, she has issued notice dated 02.02.2026 to the respondent nos.3 & 4 in the writ petition to attend and submit their arguments as per their explanation and records. It further shows

[3] 2002 (4) SCC 21

that, respondent nos.3 & 4 in the writ petition have submitted their application under BPS-2025 scheme for regularization of the constructions made by them and the same is pending in view of the stay orders passed by the Hon'ble High court in W.P.(PIL).No.245 of 2025. It is further mentioned that, the 4th respondent has passed orders on 09.03.2026 as per the directions of this Court and communicated the same to the respondent nos.3 & 4 in the writ petition.

12. It can be further noticed from the counter that, the 4th respondent/contemnor has passed orders on 09.03.2026 but filed her counter on 28.04.2026. What steps have been taken, pursuant to passing of orders dated 09.03.2026 till filing of the counter in the contempt case, are not stated/mentioned.

13. From the above decisions, it is clear that punishing the person for Contempt of Courts is indeed a drastic step and normally such an 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. For a proper administration of justice and to ensure due compliance of the orders passed by the Courts, it is required to take strict view and it should not hesitate in wielding the potent weapon of contempt.

14. Undoubtedly, when this court has specifically directed the respondent authorities to take action against the unauthorized constructions, they have to

follow the same and take steps in that regard. But in the present case, the respondent authorities have not take action against the unauthorized constructions which amounts to willful disobedience and filing a complaint alone is not sufficient. However, the 1st respondent has taken steps pursuant to the orders of this court and issued notices to respondent nos.3 & 4 in the writ petition and later, she got transferred from that station, as such, this court finds that no contempt can be made against the 1st respondent. Whereas, Ms.B.Rama Devi, 4th respondent, took charge as the Commissioner, B.Kothakota Nagara Panchayat on 24.01.2026 and has not taken any steps after passing orders dated 09.03.2026 and did not took it to the logical end, as such, this court finds that there is some carelessness on the part of the 4th respondent in following the orders of this court. In view of the same, the 4th respondent is liable for contempt.

15. From the decisions referred supra, this court, instead of imposing the sentence of imprisonment, with a lineant view, is inclined to impose fine of Rs.2000/- on the 4th contemnor/respondent and further this court is inclined to impose Rs.20,000/- as costs on the 4th respondent/contemnor to compensate the petitioner for litigation expenses and mental harassment.

13. Therefore, in exercise of this Court’s jurisdiction under Section 12 of the Contempt of Courts Act, 1971, this Court is inclined to allow the contempt case with the following directions:

(i) The 4th respondent/contemnor concerned is directed to pay a fine of Rs.2000/- within thirty(30) days from the date of receipt of copy of this order. She shall deposit the said amount in the Registry of the A.P.High Court and on such deposit being made, the Registry shall remit the amount to A.P.High Court Legal Services Committee. In default payment of fine, the 4th respondent/contemnor shall undergo simple imprisonment for a period of fifteen (15) days.

(ii) Further, the 4th respondent/contemnor is directed to pay Rs.20,000/- towards costs to the petitioner from her own pocket within a period of thirty (30) days from the date of receipt of copy of this order. In default payment of costs, the 4th respondent/contemnor shall undergo simple imprisonment for a period of fifteen (15) days.

Accordingly, the contempt case is ***allowed***. No costs.

Miscellaneous applications, pending, if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

BRS