

IN THE HIGH COURT OF KARNATAKA, CIRCUIT BENCH AT  
GULBARGA

DATED THIS THE 15<sup>TH</sup> DAY OF DECEMBER 2009

**PRESENT**

THE HON'BLE MR.JUSTICE D.V.SHYLENDRA KUMAR

**AND**

THE HON'BLE MR.JUSTICE K.N.KESHAVANARAYANA

C.C.C. NO. 1367/2009(CIVIL)

**BETWEEN:**

GANAPATI,  
S/O. GURAPPA KARAJOL  
AGE:47, OCC:FLOOR MILL BUSINESS,  
R/O. BELLUBBI,  
TQ&DIST: BIJAPUR .. COMPLAINTANT

(By Sri V.S. Kotennavar, Adv.)

**AND:**

1. SANGANABASAPPA,  
S/O HANMANT KALYANI  
AGE: 37, OCC:VICE PRESIDENT  
CONGRESS BLOCK COMMITTEE  
MAMADAPUR AND SECRETARY  
GRAMA MANDAL,R/O:BELLUBBI  
TQ & DIST:BIJAPUR
2. MALEPPA S/O PADEPPA HOSAMANI  
AGE: 42, OCC:AGRICULTURE AND EX-VICE PRESIDENT  
S.D.M.C, G.H.P.SCHOOL  
BELLUBBI, R/O:BELLUBBI  
TQ & DIST:BIJAPUR

3. SIDDU S/O HANAMANTH.YARNAL  
AGE: 37, OCC:AGRICULTURE,  
MEMBER OF S.D.M.C  
OF THOTADASHALE,BELLUBBI  
R/O:BELLUBI,TQ & DIST:BIJAPUR
4. SURESH S/O MALEPPA NYAMAGAUDHA  
AGE: 38  
OCC:AGRICULTURE, MEMBER OF S.D.M.C.  
GOVERNMENT HIGHER PRIMARY SCHOOL  
BELLUBBI,R/O:BELLUBBI  
TQ & DIST:BIJAPUR
5. SURESH S/O SANGAPPA DIVATAGI  
AGE: 35  
OCC:AGRICULTURE,EX-MEMBER  
BELLUBI,R/O:BELLUBBI  
TQ & DIST:BIJAPUR
6. BIMAPPA S/O KAKLLAPPA YARANAL  
AGE: 26  
OCC:AGRICULTURE AND BUSINESS,R/O:BELLUBI  
TQ & DIST:BIJAPUR
7. SHARANAPPA S/O BHIMAPPA BASHETTI  
AGE: 39  
OCC:AGRICULTURE AND SECRETARY OF MANASA  
GANGOTRI EDUCATION INSTITUTION,  
R/O:BELLUBBI  
TQ & DIST:BIJAPUR
8. RAMAPPA S/O SANGAPPA ULLAGADDI  
AGE: 40  
OCC:AGRICULTURE,EX-MEMBER  
OF TOTADASHALE S.D.M.C.BELLUBBI  
TQ & DIST:BIJAPUR
9. BASAVARAJ S/O SANGANABASAPPA DIVATAGI  
AGE: 38  
OCC:AGRICULTURE,R/O:BELLUBBI  
TQ & DIST:BIJAPUR
10. SIDDAPPA S/O SHIVAPPA KOLAKAR  
AGE: 27  
OCC:AGRICULTURE

R/O:BELLUBBI,TQ & DISTL:BIJAPUR

11. MALEPPA S/O MALEPPA BASHETTI  
AGE: 66  
OCC:AGRICULTURE,R/O:BELLUBBI  
TQ & DIST:BIJAPUR
12. SIDARAYA S/O HUCHAPPA DHARIGOND  
AGE: 36  
OCC:AGRICULTURE R/O:BELLUBBI  
TQ & DIST:BIJAPUR
13. SHIVALINGAPPA S/O.GANGAPPA UPPAR  
AGE: 31  
OCC:AGRICULTURE,R/O:BELLUBBI  
TQ& DIST:BIJAPUR
14. MALLYA S/O MALAYA MATHAPATHI  
AGE: 46  
OCC:AGRICULTURE  
R/O:BELLUBBI  
TQ & DIST:BIJAPUR
15. ARJUN S/O ADIVEPPA UPPAR  
AGE: 41  
OCC:AGRICULTURE  
R/O:BELLUBBI  
TQ & DIST:BIJAPUR
16. GOVIND S/O HANUMANT KAMAT  
AGE: 43  
OCC:AGRICULTURE  
R/O:BELLUBBI  
TQ & DIST:BIJAPUR
17. SMT.DUNDAVVA W/O KBHIMAPPA GANGER  
AGE: 46  
OCC:AGRICULTURE & MEMBER OF MANDAL  
PANCHYAT,JANAPUR  
R/O:BELLUBBI,TQ & DIST:BIJAPUR
18. HANAMANTH S/O SANGANBASAPPA KALYANISHETTY  
AGE: 71  
OCC:AGRICULTURE,R/O:BELLUBBI  
TQ & DIST:BIJAPUR

19. ERAPPA S/O KMALLAPPA SHIROL  
AGE: 63  
OCC: AGRICULTURE & L BUSINESS  
R/O: BELLUBBI, TQ & DIST: BIJAPUR
  20. MALLAYYA S/O SHIVALINGAYYA BADAGIMATH  
AGE: 62  
OCC: AGRICULTURE, EX-MEMBER OF GROUP  
GRAMA PANCHYAT, HANGARGI & TRUSTEE OF  
RAJATESHWAR DEVSTHAN, BELLUBBI  
R/O: BELLUBBI, TQ & L DIST: BIJAPUR
- ..RESPONDENTS/ACCUSED

THIS CCC IS FILED U/S 11 & 12 OF THE CONTEMPT OF COURT ACT PRAYING TO INITIATE CONTEMPT OF COURT PROCEEDINGS AGAINST THE ACCUSED FOR FILING FALSE AFFIDAVIT AND AVERMENTS IN WP NO.2870/2008 DTD: 26.5.08 AND PUNISH THEM IN ACCORDANCE WITH LAW.

THIS CCC COMING ON FOR PRELIMINARY HEARING THIS DAY, **SRI. D.V. SHYLENDRA KUMAR, J.** DELIVERED THE FOLLOWING:

### J U D G M E N T

This contempt petition by the first respondent in Writ Petition No.2870/2008 (GM-RES-PIL) is not on the premise that there is any violation or dis-obedience of the court order but for the reason that the writ petitioners who are arrayed as respondents – accused Nos.1 to 20 have all sworn to a false affidavit by stating incorrect facts before this Court in Writ Petition,

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therefore, they are liable for the action in contempt jurisdiction.

2. We notice from the order passed in the Writ Petition that the Writ Petition itself was dismissed without granting any relief to the petitioners but with the observation that it is open to the petitioners or the other aggrieved persons to approach the authorities like the Pollution Control Board or the District Medical Officer, if any licence or permission is granted to start the Flour Mill in violation of the provisions of the Statutory provisions and etc., When the Writ Petition itself having been dismissed, the first respondent should have felt happy but has taken route to come back before this Court in contempt petition against the respondents.

3. It is not necessary for us to go into the question as to whether the petitioners had placed some incorrect facts or otherwise before the Court, as the petitioners have not been given any relief at all in the

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Writ Petition and the Writ Petition having been dismissed, it is not necessary for us to enable him to initiate contempt proceedings against the respondents.

The Contempt Petition is dismissed.

Sd/-  
JUDGE

Sd/-  
JUDGE

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