

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE 2017

PRESENT

THE HON'BLE MR.JUSTICE JAYANT PATEL

AND

THE HON'BLE MRS.JUSTICE S SUJATHA

CCC NO.452 OF 2017 (CIVIL)

BETWEEN:

SRI. V. SEETHARAM
AGED ABOUT 58 YEARS,
S/O SRI.VENKATAPPA,
R/O SHETTIGERE VILLAGE,
JALA HOBLI,
BENGALURU NORTH ADDITIONAL TALUK,
BENGALURU DISTRICT,
REPRESENTED BY HIS
POWER OF ATTORNEY HOLDER,
B.N.SHIVASHANKAR.

...COMPLAINANT

(BY SRI.PAPI REDDY G, ADVOCATE)

AND:

1. SRI. S. MANJUNATH
THE TAHASILDAR,
BENGALURU NORTH ADDITIONAL TALUK,
YELAHANKA, BENGALURU NORTH TALUK,

BENGALURU-560 064.

2. SRI.MANJUNATH THAJWANI
THE ASSISTANT DIRECTOR OF LAND RECORDS,
KANDHAYA BHAVAN, 4TH FLOOR,
BENGALURU-560 001.

...ACCUSED

(BY SRI.D.NAGARAJ, AGA FOR A1 & A2)

THIS CCC IS FILED UNDER SECTIONS 11 & 12 OF THE CONTEMPT OF COURTS ACT, R/W ARTICLE 215 OF THE CONSTITUTION OF INDIA, BY THE COMPLAINANT, PRAYING TO REGISTER THE ABOVE COMPLAINT AND INITIATE CONTEMPT PROCEEDINGS AGAINST THE ORDER PASSED IN W.P.NO.33869/2016 DATED 05/07/2016.

THIS CCC COMING ON FOR ORDERS THIS DAY, **JAYANT PATEL J.**, PASSED THE FOLLOWING:

ORDER

The basis of the present proceedings under the Contempt of Courts Act, is the alleged breach and non-compliance to the order dated 05.07.2016 passed by this Court, whereby the direction was given to the respondent No.4 therein-accused No.1 herein to take appropriate decision.

2. In response to the process issued by this Court, Sri D.Nagaraj, learned AGA has tendered the memo dated 30.06.2017 declaring that the endorsement/order is passed on 28.02.2017. The copy of the said order is also produced.

3. As such, in view of the aforesaid order, it cannot be said that the breach is continued. However, the learned Counsel appearing for the complainant voiced the grievance that the order passed is not in accordance with law and without giving opportunity to the complainant.

4. In our view, if the complainant is aggrieved by the said order dated 28.02.2017, it is for the complainant to resort to appropriate proceedings for challenging the legality and validity of the order, but such grievance cannot be entertained in the present proceedings under the Contempt of Courts Act.

5. Hence, subject to the aforesaid observation, the present proceedings are disposed of, but with the further observation that in the event any remedy is resorted to by the complainant for challenging the legality and validity of the order dated 28.02.2017, rights and contentions of both the sides shall remain open to be considered in accordance with law.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

JT/-