

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

I.A.No.01 of 2025 in W.P.No.5886 of 2018

& C.C.No.1091 of 2025

This Court made the following Common Order:

Heard Sri Metta Chandra Sekhar Rao, learned Counsel for the Petitioners (in both the cases) and Sri J. Dileep Kumar, Ld. Government Pleader for Respondents.

2. The present Review Petition No.01 of 2025 in W.P.No.5886 of 2018 is filed by the Commissioner of Appeals, office of the Chief Commissioner of Land Administration (CCLA), along with the other official Respondents from the Department of Revenue, for review of the final Order dated 20.06.2024 passed by the Ld. Single Judge of this Court in W.P.No.5886 of 2018.

3. The review is sought on the ground that the Order passed by the Ld. Single Judge dated 20.06.2024 in W.P.No.5886 of 2018 is *non est* in the eye of law and therefore, could not have been acted in view of subsistence of another interim Order passed much earlier by the Ld. Judge of this Court dated 15.02.2018 in I.A.No.01 of 2018 in Writ Petition No.4838 of 2018, wherein and whereby the Ld. Single Judge had stayed all the proceedings before the CCLA including the appearance of the Petitioners therein in CCLA's Ref.No.Settle II (1)/284/2017, Dt.1-12-2017.

4. Sri J. Dileep Kumar, Ld. Government Pleader for Revenue would contend that the subsequent order passed by the Ld. Single Judge in W.P.No.5886 of 2018 dated 20.06.2024 directly conflicts with the prior order passed by another Ld. Single Judge on 15.02.2018 in I.A.No.01 of 2018 in W.P.No.4838 of 2018. Ld. Government Pleader would contend that the Writ Petition No.4838 of 2018 is pending on the file of this Court and therefore, the interim Order dated 15.02.2018 is still subsisting, by which Ld. Single Judge had stayed all the proceedings before the CCLA. He would submit that this is

precisely the reason because of which the CCLA (Review Applicant No.1) could not comply with the subsequent order passed by the Ld. Single Judge on 20.06.2024 in W.P.No.5886 of 2018. Ld. Single Judge while passing the Order dated 20.06.2024 in W.P.No.5886 of 2018 had given a direction to the Review Applicant No.1, namely the CCLA to dispose of the Revision Petition in Ref. No.Settle.II(1)/284/2017,Dt.1-12-2017 expeditiously within three months. Whereas, the earlier Interim Order was not brought to the notice of the Ld. Single Judge. He would therefore argue that the subsequent order dated 20.06.2024 could not be complied with by the CCLA on account of the subsistence of the earlier order dated 15.02.2018. He would also submit that the inability to comply with the order of this Court dated 20.06.2024, is, therefore, not deliberate and it is precisely due to the operation of the earlier interim order and therefore, the present Contempt Case No.1091 of 2025 is not maintainable.

5. Sri Metta Chandra Sekhara Rao, Ld. Counsel who is representing the Writ Petitioner in W.P.No.5886 of 2018 and the Petitioner in the C.C.No.1091 of 2025 would press for the Contempt Case by contending that there is willful disobedience on the part of the Official Respondents in the Writ Petition for not complying with the Order dated 20.06.2024.

6. Having considered these facts, this Court is in agreement with the submissions made by the Ld. Government Pleader (for the Respondents) in Review I.A.No.01 of 2025 that the latest order passed by the Ld. Single Judge dated 20.06.2024 in W.P.No. 5886 of 2016 directly conflicts with the earlier order passed by another coordinate Bench in I.A.No.01 of 2018 in W.P.No.4838 of 2018. It is also noticed by the Court that W.P.No.4838 of 2018 is also pending on the file of this Court.

7. In this view of the matter, Review Application vide I.A.No.01 of 2025 in W.P.No.5886 of 2018 is allowed. Consequently, the Order dated 20.06.2024 is recalled/set aside. The Registry is directed to restore the Writ Petition No.5886 of 2018 to its file. Tag this Writ Petition along with W.P.No.4838 of

2018 and post before the appropriate Bench as per the Roster in the usual course.

8. Coming to the Contempt Case, this Court would also hold that there is no merit in the Contempt Case bearing C.C.No.1091 of 2025 due to the fact that the inability of the Respondents in this Contempt Case to comply with the Order and to dispose of the pending CCLA's Ref. No.Settle.II(1)/284/ 2017, Dt.1-12-2017 is neither willful nor wanton and the inability to comply on account of the subsistence of the earlier interim order passed by the another coordinate Bench in I.A.No.01 of 2018 in W.P.No. 4838 of 2018 dated 15.02.2018, in the opinion of this Court, would not attract any Contempt. This view of the Court is fortified by para-12 of the dictum of the Hon'ble Apex Court in **Ram Kishan v. Tarun Bajaj, (2014) 16 SCC 204**, which is usefully extracted hereunder:

*12. The deliberate conduct of a person means that he knows what he is doing and intends to do the same. Therefore, there has to be a calculated action with evil motive on his part. **Even if there is a disobedience of an order, but such disobedience is the result of some compelling circumstances under which it was not possible for the contemnor to comply with the order, the contemnor cannot be punished. "Committal or sequestration will not be ordered unless contempt involves a degree of default or misconduct."***

9. Therefore, this Contempt Case is dismissed. The W.P.No.4838 of 2018 and W.P.No.5886 of 2018 shall be tagged together and be listed before appropriate Bench as per the Roster.

10. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENIRAMAKRISHNA PRASAD, J

Dt: 30.10.2025
Mnr

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HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

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