

**HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD**

**MAIN CASE No: C.C.No.3716 of 2025**

**PROCEEDING SHEET**

<b>S1. No.</b>	<b>DATE</b>	<b>ORDER</b>	<b>OFFICE NOTE</b>
2.	12.12.2025	<p><b><u>JAK, J</u></b></p> <p>This contempt case is filed with the following prayer:</p> <p>“to punish the Respondent in wilfully and deliberately not obeying/implementing and wilfully and deliberately flouting the orders of the Hon’ble High Court passed in WP No.40029 OF 2018 dated 21-06-2024 rendered by His/their Lordships HONOURABLE SHRI JUSTICE ANIL KUMAR JUKANTI under Sections 10 to 12 of the Contempt of Court Act, 1971, read with Article 314 of Constitution of India and pass...”</p> <p>Heard Mr. K.Lakshmi Narasimha, learned counsel for petitioner and Mr. Krishna, learned Government Pleader for Home Department for respondents.</p> <p>It is trite to extract the relevant portion of the order in writ petition (W.P.No.40029 of 2018, dated 21.06.2024). Paragraph No.22 of the order of learned Single Judge is as follows:</p> <p>“22. In the facts and circumstances of the case, this Court deems it appropriate that ends of justice would be met, if the official respondents be directed to consider granting of notional promotion to petitioner from the date eligible, considering the claim that petitioner completed six years of service in the cadre of Sub-Inspector of Police as on 18.12.2018. Official respondents shall pass appropriate orders promoting the petitioner notionally from the eligible date with all benefits within a period of three (03) months from the date of receipt of a copy of this order.”</p>	Transferred to io-folder before corrections, if any.

		<p>At Page No.60 is a representation submitted to the Inspector General of Police, dated 18.11.2024, along with a copy of the order in writ petition by the petitioner herein. The said representation (P5) is acknowledged by a stamp of the office of Deputy Inspector General of Police, Hyderabad Range, on 19.11.2024. Form-I notice was issued to the contemnors on 05.12.2025 by this Court, with a direction to list the matter on 12.12.2025.</p> <p>Interlocutory applications are filed by all respondents under Section 18 of the Contempt Rules r/w 151 of CPC.</p> <p>I.A.No.1 of 2025 is filed by the Office of Additional Director General of Police, Multi Zone II, TG, Hyderabad.</p> <p>I.A.No.2 of 2025 is filed by the Office of Joint Commissioner of Police, Law &amp; Order, Hyderabad City, TG.</p> <p>I.A.No.3 of 2025 is filed by the Office of Joint Commissioner of Police, Law &amp; Order, Hyderabad City, TG.</p> <p>I.A.No.4 of 2025 is filed by the Director General of Police, Telangana, Hyderabad.</p> <p>I.A.No.5 of 2025 is filed by the Special Chief Secretary to Government, Home Department, Government of Telangana, Secretariat, Hyderabad.</p> <p>Before advertng to the averments made</p>	
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in IAs seeking to dispense with the personal appearance of respondent Nos.1 to 4 on 12.12.2025, it is trite to delve into certain aspects which are relevant.

Rule 21 of the Writ Proceedings Rules, 1977, is as follows:

“Unless the Court otherwise directs, the direction or order made or the Rule absolute issued by the High Court shall be implemented within two months of the receipt of the order”.

This Court has fixed a timeline/time frame for the implementation of the order in writ petition i.e., three months. This Court conscious of Writ Rule 21, fixed three months as timeline, yet order of learned Single Judge is not complied with.

Learned Government Pleader appearing for respondents tried to impress upon this Court by inviting the attention of this Court to Contempt of Courts Rules, 1980, and Contempt Act, to buttress the contention that the Court has not issued any notice before issuance of Form-I to respondents (Form-I notice). This Court has noted the submission of learned Government Pleader.

Rule 18 of the Contempt of Courts Rules, 1980, is as follows:

“Notice of every contempt case, if ordered by Court for service on the contemnor, shall be in Form 1 and shall be accompanied by one set of all papers filed in the case and the said notice with all enclosures shall be served personally on the alleged contemnor, unless the court otherwise directs for reasons to be recorded, requiring him to appear in person, unless

		<p>otherwise ordered, on a day fixed. Which shall be not less than four weeks from the date of the order or as fixed by the Court, for hearing of the proceeding and to show cause why he may not be suitably punished under the Contempt of Courts Act, 1971 and he shall continue to remain present during the hearing till the proceeding is finally disposed of by Order of the Court, unless otherwise directed.</p> <p>Provided that the Court, on an application made by the contemnor, before the date fixed for his appearance in the notice, to dispense with his personal appearance in Court, may, for sufficient cause, dispense with his personal appearance and permit him to appear by his pleader.”</p> <p>On a perusal of Rule 18 of Contempt of Courts Rules, 1980, extracted supra, it is apparent that notice of every contempt shall be in Form-I.</p> <p>The Rule does not contemplate “<i>a notice before issuance of Form I notice</i>” as pleaded and contended by the Government Pleader. It is further apparent from Rule 18 that if the Court for reasons to be recorded may ask for appearance on a day fixed which shall not be less than four weeks.</p> <p>On a plain reading of the Rule, it is clear that notice of every contempt case shall be in Form-I.</p> <p>Another important aspect is in respect of proviso to Rule 18, on a reading of the proviso, it is clear that an application to dispense with the presence of respondents has to be made before the date fixed for appearance to dispense with.</p>	
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The Court may, for sufficient cause dispense with personal appearance and permit him to appear by his pleader.

There is no pleading in the affidavit to the extent that for sufficient cause shown respondents herein, be represented by their pleader.

In the absence of a requirement of notice to be issued “before issuance of Form I notice” in a contempt case, this Court cannot issue such a notice as it would run contrary to Rule 18.

The requirement to file the dispense with application before the date fixed is not forthcoming. The affidavits are signed by the respondents on 11.12.2025, matter is listed on 12.12.2025.

By any means the requirement of the proviso to Rule 18 is not met with i.e., filing of the dispense with application in advance i.e., before the date fixed in the Form I notice issued.

The submissions canvassed are not in consonance with the contempt Rules nor the requirement to file a dispense with application in advance i.e., before the date fixed is observed. In the absence, the contentions canvassed and the averments in the affidavits are without any basis and are based on a sandy foundation. The contentions advanced

are devoid of merits.

The Hon'ble Apex Court in **S.Tirupathi Rao v. M.Lingamaiah and others** (reported in 2024 SCC Online SC 1764) at Paragraph Nos.57 to 60 held as follows, which are relevant:

“57. Having thus held, we move on to examine the objection as to maintainability of the contempt action initiated by the first respondent upon the inaction of the appellant in effecting mutation of the decretal property in his favour in the revenue records and also as to whether a case of “continuing wrong/breach/offence” was at all shown by the first respondent in the contempt petition.

58. To recapitulate, the Single Judge had allowed the writ petition of the first respondent on 05th March, 2009 with a direction to the Tahsildar to effect the necessary mutation in the revenue records in accordance with the final decree dated 26th December, 2003. Pertinently, the direction issued to the appellant vide the order of disposal of the writ petition did not specifically mention a time-frame within which the order was to be implemented.

*59. In view of the absence of a time-frame in the order, much would turn on rule 21 of the Writ Rules. Having read the relevant rule, we presume that the learned Single Judge was aware of such a rule and, hence, refrained from stipulating a time-frame for compliance of the Court's order. Irrespective of any time-frame fixed in an order, the direction contained therein would require compliance within the period stipulated in rule 21 if the person responsible for such compliance has notice of it even aliunde.*

60. The question of the contempt petition being barred by limitation has to be decided keeping section 20 of the Act and rule 21 of the Writ Rules in mind together with what constitutes a “continuing wrong/breach/offence”. Undisputedly, the contempt petition was instituted on 04th October, 2014, more than 5 (five) years after the order (of which contempt had been alleged) was passed, i.e., on 05th March, 2009. Notably, the appellant had not carried the order dated 05th March, 2009 (disposing of the writ petition) in appeal.

		<p>Therefore, question of operation of the said order remaining suspended did not arise and the principle embodied in section 15 of the 1963 Act was not attracted. The said order required the appellant to effect mutation in terms of the decree of the civil court. No time-frame for compliance of such order having been stipulated by the Single Judge, it would stand to reason that the same required compliance at least by the end of the time-frame stipulated by rule 21.</p> <p>From the contents of Paragraph No.59 of the Hon'ble Apex Court's order, it is clear that when a timeframe is stipulated for compliance in an order, the same has to be met with, in the absence of any timeframe, Writ Rule 21 of Writ Proceedings Rules, would kick in.</p> <p>In the present case, a timeframe of three months is stipulated. On 18.11.2024 a representation (Page No.60 of contempt petition) was made in the office of Deputy Inspector General of Police (i.e., respondent No.2 in the writ petition) with a copy of the order of writ petition annexed. These facts are not in dispute.</p> <p>In spite of the timeframe fixed and representation made, there was no compliance.</p> <p>Learned Government Pleader has put forth a submission that a writ appeal bearing No.420 of 2025 is preferred on 10.04.2025, challenging the order of the learned Single Judge is pending consideration.</p> <p>No order of suspension of order of learned Single Judge is brought to the notice</p>	
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	<p>of this Court. In the absence of any such order, the order of the learned Single Judge stands on its own feet. It is further submitted that matter is listed on 12.12.2025.</p> <p>Be that as it may, as on date, there is no order of suspension nor is there any stay in force of the order of learned Single Judge.</p> <p><b><u>I.A.No.1 of 2025:</u></b></p> <p>“Sufficient Cause” for seeking dispensing with the presence of the officer is to be adverted to in the affidavit filed along with interlocutory application. Reasons adverted to in the affidavit of the office of Additional Director General of Police, Multi Zone-II, TG, Hyderabad, are extracted below.</p> <p>Following is the relevant portion of affidavit in I.A.No.1 of 2025:</p> <p>“6.It is further submitted that, while the appeal is pending before the division bench of this Hon'ble Court, the writ petitioner filed contempt case vide CC No. 3716 of 2025 and the same is listed before this Hon'ble Court on 05.12.2025 for admission. However, this Hon'ble Court in its order dated: 05.12.2025 in CC No. 3716 of 2025 issued FORM -1 Notice and directed the respondents/contemnors to appear in person before the Hon'ble Court for the State of Telangana at Hyderabad on 12.12.2025 at 10.30 A.M.</p> <p>7. In this regard, it is respectfully submitted that the Hon'ble Court in the present Contempt case not issued any Notice before the issue of personal appearance of the respondents. It is also respectfully submitted that the Department filed Writ Appeal and same is pending before the Hon'ble High Court of Telangana.</p> <p>8. It is also respectfully submitted that at present I am working as Additional Director</p>	
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		<p>General of Police (Personnel) holding Full Additional Charge of Multi Zone- II, Hyderabad and I am unable to attend personally before the Hon'ble Court on 12.12.2025 due to preoccupied meetings in view of Gram Panchayat Elections- 2025 scheduled to be held on 11th, 14th and 17th, December, 2025. Further, I am the supervising officer of nine districts in Multi Zone-II to monitor law and order situations and also by visiting the districts in person. I respectfully submit that, I am having highest regard to this Hon'ble Court, my non-presence before this Hon'ble Court is neither wilful nor wonton, but for the reasons state above.”</p> <p>In Paragraph No.7, it is averred that, in the present contempt case, the Hon'ble Court has not issued any notice, before the issuance of notice for personal appearance.</p> <p>This Court has considered this aspect as observed supra.</p> <p>In view of the sufficient cause adverted to in the affidavit i.e., meetings in view of Gram Panchayat Elections-2025 scheduled to be held on 11<sup>th</sup>, 14<sup>th</sup>, and 17<sup>th</sup>, December, 2025, this Court is inclined to dispense with the presence.</p> <p>Dispense with application has not met with the requirement as spelled out in the proviso to Rule 18 i.e., the application to dispense with is to be made in advance i.e., before the date fixed in Form I notice.</p> <p><b><u>I.A.Nos.2 &amp; 3 of 2025:</u></b></p> <p>Both the interlocutory applications are filed by the same officer. One application is for</p>	
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		<p>dispense with the presence and the other for deletion of the name.</p> <p>“Sufficient Cause” for seeking dispensing with the presence of the officer is to be adverted to in the affidavits filed along with interlocutory applications. Reasons adverted to in the affidavits of the office of Joint Commissioner of Police, Law &amp; Order, TG, Hyderabad, are extracted below.</p> <p>Following is the relevant portion of affidavits in I.A.Nos.2 &amp; 3 of 2025:</p> <p>“5. It is respectfully submitted that the petitioner subsequently filed C.C. No. 3716 of 2025 alleging non-implementation of Hon'ble High Court orders dated 21.06.2024 in W.P No. 40029 of 2018, wherein this Hon'ble Court has issued Form -1 notice in the CC No. 3716 of 2025 on 05.12.2025 at the admission stage directing the respondents/contemnors to appear before this Hon'ble Court on 12-12-2025 at 10.30 A.M:</p> <p>6. It is submitted that the department has preferred an Appeal against the Hon'ble High Court order vide W.A No. 420 of 2025 on 10.04.2025 and the same is pending before the Hon'ble Division Bench.</p> <p>7. I humbly submit that, I got highest regard and respect towards the judiciary and the judicial pronouncements. It is never the intention to disobey the orders of the Hon'ble High Court and there is no deliberate intention to flout the orders of the Hon'ble High Court. In fact the department has challenged the order of this Hon'ble court and which is pending for consideration. It is respectfully submitted that I was transfer from the post of DIG Charminar Zone VI and I am not holding the said post now. Therefore I pray this Hon'ble Court to delete my name in the contempt case as respondent No. 2. I further states that on 12-12-2025 I have preoccupied program that I have to review security arrangements on visit H.E. President of India, at RP Nilayam, Secunderabad.”</p>	
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It is trite to take note of the distinction in the unnumbered paragraphs' after paragraph No.7 in both the applications. The contents of which are as follows:

**I.A.No.2 of 2025:**

For the reasons stated above, it is therefore, prayed that the Hon'ble High Court may be pleased "to dispense with the personal appearance of respondent No.2" on 12.12.2025 and pass such other order or orders as Hon'ble High Court may deem fit and proper in the circumstances of the case."

**I.A.No.3 of 2025:**

For the reasons stated above, it is therefore, prayed that the Hon'ble High Court may be pleased "to delete the name of respondent No.2" and pass such other order or orders as Hon'ble High Court may deem fit and proper in the circumstances of the case."

In Paragraph No.5 of the affidavits, it is averred that the Hon'ble Court has issued Form-I notice at the admission stage directing to appear.

This Court has considered this aspect as observed supra.

It is averred in the affidavits that the officer is transferred from DIG, Charminar Zone VI. The other reason adverted to in Paragraph No.7 is that that the Joint Commissioner of Police, Law & Order, is preoccupied with the program of review of security arrangements on the visit of Her Excellency, The Hon'ble the President of India.

Dates of visit of Her Excellency, The

Hon'ble The President of India, are not spelled out. Without adverting to the dates, would it be prudent for a reasonable man to think that the reason offered fits into the ambit of sufficient cause, the answer is No.

Dispense with application has not met with the requirement as spelled out in the proviso to Rule 18 i.e., the application to dispense with is to be made in advance i.e., before the date fixed in Form I notice.

Yet, this Court is inclined to dispense with the presence in I.A.No.2 of 2025.

Paragraph No.2 of the affidavit in both the I.A.Nos.2 & 3 of 2025, is as follows:

“Presently, I am working as Joint Commissioner of Police, (L&O) Hyderabad city formerly as DIG Charminar Zone – VI and the 2nd in contempt case. I submit that I worked as DIG Charminar Zone VI from 16.06.2025 to 30.09.2025 and thereafter transferred to the present post on 01.10.2025 and as such I am working as Joint Commissioner of Police, (L&O), Hyderabad city, am well acquainted with the facts of the case.”

On a perusal of the contents, it is evident that the officer discharged duties as DIG, Charminar Zone VI, for a period less than three months (timeline fixed in the order). In view of the same, it is deemed appropriate that the name of the officer be deleted, leaving it open to the petitioner to take steps to implead the appropriate officer.

**I.A.No.4 of 2025:**

“Sufficient Cause” for seeking dispensing

with the presence of the officer is to be adverted to in the affidavit filed along with interlocutory application. Reasons adverted to in the affidavit of the office of the Director General of Police, Telangana, Hyderabad, are extracted below.

Following is the relevant portion of affidavit in I.A.No.4 of 2025:

“6. It is further submitted that while the Appeal is pending before the Division bench of this Hon'ble Court, the Writ petitioner filed Contempt Case vide CC No. 3716 of 2025 and the same stands listed before this Hon'ble Court on 05/12/2025 for Admission. However, this Hon'ble Court in its Order dated 05-12-2025 in CC No. 3716 of 2025 issued FORM-I Notice and directed the Respondents/Contemnors to appear in-person before the High Court for the State of Telangana at Hyderabad on 12.12.2025 at 10.30 A.M.

7. In this regard, it is respectfully submitted that the Hon'ble Court in the present Contempt Case has not issued any Notice before the issuance of personal appearance of the Respondents. It is also respectfully submitted that the Department filed a Writ Appeal vide WA No.420 of 2025 and the same is pending before the Hon'ble High Court of Telangana.

8. It is also respectfully submitted that at present I am working as DGP Telangana State, Hyderabad and I am unable to attend the Hon'ble Court in-person due to pre-scheduled meetings with regard to law and order issues in the local body elections that commenced on 11.12.2025 and will continue upto 17.12.2025. I respectfully submit that I have the highest regard to this Hon'ble Court and my non-appearance before this Hon'ble Court is neither wilful nor wanton, but for the reasons state above.”

In Paragraph No.7, it is averred that, in the present contempt case, the Hon'ble Court has not issued any notice before the issuance

	<p>of Form I notice/personal appearance.</p> <p>This Court has considered this aspect as observed supra.</p> <p>Sufficient cause is adverted to in the affidavit i.e., pre scheduled meetings with regard to law and order issues in the local body elections commencing from 11.12.2025 and continue upto 17.12.2025, this Court is inclined to dispense with the presence.</p> <p>Dispense with application has not met with the requirement as spelled out in the proviso to Rule 18 i.e., the application to dispense with is to be made in advance i.e., before the date fixed in Form I notice.</p> <p><b><u>I.A.No.5 of 2025:</u></b></p> <p>“Sufficient Cause” for seeking dispensing with the presence of the officer is to be adverted to in the affidavit filed along with interlocutory application. Reasons adverted to in the affidavit of the office of Special Chief Secretary to Government, Home Department, Government of Telangana, Secretariat, Hyderabad, are extracted below.</p> <p>Following is the relevant portion of affidavit in I.A.No.5 of 2025:</p> <p>“5. It is respectfully submitted that the petitioner subsequently filed C.C. No. 3716 of 2025 alleging non-implementation of Hon'ble High Court orders dated 21.06.2024 in W.P No. 40029 of 2018, wherein this Hon'ble Court has issued Form -I notice in the CC No. 3716 of 2025 on 05.12.2025 at the admission stage which is as follows:</p>	
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		<p>Issue Form-I notice to respondents/contemnors Registry is directed to endorse issuance of Form-I notice on respondents/contemnors Post on 12.12.2025.</p> <p>6. It is submitted that the department has preferred an Appeal against the Hon'ble High Court order vide W.A No. 420 of 2025 on 10.04.2025 and the same is pending before the Hon'ble Division Bench.</p> <p>7. I humbly submit that, I got highest regard and respect towards the judiciary and the judicial pronouncements. It is never the intention to disobey the orders of the Hon'ble High Court and there is no deliberate intention to flout the orders of the Hon'ble High Court. In fact the department has challenged the order of this Hon'ble court and which is pending for consideration. It is respectfully submitted that as I have preoccupied program to attend the State supervisory Board meeting under ART &amp; Surrogacy Act scheduled on 12/12/2025 at 11:00 A.M.”</p> <p>In Paragraph No.5, it is averred that the Hon'ble Court has issued Form-I notice at the admission stage directing to appear.</p> <p>This Court has considered this aspect as observed supra.</p> <p>It is averred in the affidavit that office of Special Chief Secretary to Government is preoccupied with a program to attend the State Supervisory Board Meeting under ART &amp; Surrogacy Act, scheduled on 12.12.2025 at 11.00 A.M.</p> <p>Reliance is placed on a letter dated 05.12.2025 of the office of Commissioner of Health and Family Welfare &amp; MD NHM, annexed with I.A.No.5 of 2025. It is the duty and responsibility of an officer to attend to the</p>	
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Court proceedings of the Hon'ble High Court. By any stretch of imagination priority cannot be given to a statutory meeting, this Court is inclined to dispense with the presence.

Dispense with application has not met with the requirement as spelled out in the proviso to Rule 18 i.e., the application to dispense with is to be made in advance i.e., before the date fixed in Form I notice.

In view of the pending writ appeal before the Division Bench of the Hon'ble High Court, this Court with a fond hope, requests the highest officers of State of an important Department, to at least advert to statements in their affidavits in a proper manner.

Inspite of the observations made, this Court is inclined to dispense with the presence of officers and accordingly, dispensed with.

For reasons stated in the accompanying affidavits, I.A.Nos.1, 2, 3, 4 and 5 of 2025, are accordingly ordered.

Post the matter on 09.01.2026.

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**JAK,J**  
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