

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Writ Contempt Petition No. 564/2023

in

S.B. Civil Writ Petition No. 3239/2014

Tola Ram S/o Shri Natha Ram Mali, Aged 69 years, R/o Village Amar Sagar, Tehsil and District Jaisalmer.

-----Petitioner

Versus

1. Teena Dabi, District Collector, Jaisalmer.
2. Sanjay Malhotra, Secretary, Department of Revenue, Secretariat, Jaipur.
3. Ashish Kumar Gupta, District Collector, Jaisalmer.
4. Pratap Singh, At Present District Collector, Jaisalmer.

-----Respondents

For Petitioner(s)	:	Mr. Sanjeet Purohit and Mr. Hemant Ballani
For Respondent(s)	:	Mr. Anirudha Singh Shekhawat Mr. D.S. Pidiyar on behalf of Mr. S.S. Ladrecha, AAG

JUSTICE DINESH MEHTA

Order

12/03/2025

1. On 19.09.2024, a co-ordinate Bench of this Court had passed the following order:-

- "1. Heard learned counsel for the parties.
2. Mr. Ladrecha, learned Additional Advocate General assures this Court that the order passed by this Court on 02.12.2022 shall be complied with by the next date of hearing.
3. Considering the submissions made by learned AAG, list the matter on 08.10.2024.
4. It is made clear that if the allotment order is not issued to the petitioner, the District Collector, Jaisalmer

shall remain present before this Court on the next date of hearing."

*Emphasis Supplied

2. On 08.10.2024, present incumbent in the office of the District Collector, Jaisalmer - Mr. Pratap Singh appeared and submitted that since he had recently joined on the post of District Collector, Jaisalmer, some time may be allowed while assuring that the order passed by the Court would be complied with within a period of two weeks from that date. The text of the order dated 08.10.2024 reads thus:-

"In pursuance of the direction issued by this court on 19.09.2024, Mr. Pratap Singh, District Collector, Jaisalmer is present before this court. He submits that he has recently joined as Collector, Jaisalmer and is taking up the matter with the State Government for appropriate sanctions to be issued. Learned Collector assures this court that the order passed by this court shall be complied with within a period of two weeks from today.

List on 04.11.2024.

The District Collector, Jaisalmer shall remain present before this court on that day."

*Emphasis Supplied

3. The matter was thereafter listed before this Court on 04.11.2024; Mr. Pratap Singh chose not to remain present for the reasons best known to him. Learned Additional Advocate General, however, stated that a D.B. Special Appeal (Writ) No.1035/2024 has been filed by the State. Considering the request, the matter was adjourned to 09.12.2024.

4. On 09.12.2024, the matter could not be taken up for want of time, whereafter it came to be listed on 13.02.2025, on which date, the application (I.A. No. 01/2024) was allowed and Mr.

Pratap Singh's impleadment was allowed and notice was ordered to be issued to him, which was accepted by Mr. Shekhawat. It is a different matter that due to inadvertence in place of respondent no.4, the order sheet makes a mention of respondent no.3. Said typographical error has been corrected today and initialed.

5. Mr. Anirudh Singh Shekhawat having accepted the notice, prayed for and was granted four weeks' time on 13.02.2025.

6. While seeking adjournment, neither the fact that the appeal filed by the State being D.B. Special Appeal (Writ) No.1035/2024 had been dismissed on 29.01.2025, nor were the following observations made by the Division Bench brought to the notice of the Court:-

"1. Though learned AAG appearing for the State prays for some more time, we are inclined to dismiss the application under Section 5 of the Limitation Act as the appeal has been filed with an inordinate delay of 929 days.

2. The application is accordingly dismissed and consequently the appeal is also dismissed as barred by limitation.

3. We direct the Chief Secretary of the State to take appropriate action against the erring officials, who sat on the files and did not prefer an appeal until contempt petition was filed."

*Emphasis Supplied

7. On the previous date of hearing i.e. 13.02.2025, though the Special Appeal had already been rejected, yet the respondents prayed for adjournment, which was granted by the Court with a belief that needful would be done.

8. Even today, Mr. Anirudh Singh Shekhawat, learned counsel appearing for the respondent – State appeared empty handed and

casually prayed for four weeks' time to comply with the order under consideration.

9. Learned counsel for the State could not give any justifiable reason for which the respondent No.4 should be given any further indulgence. He has been sleeping over the matter (for about a year), as if the orders of this Court are pieces of papers to be kept in the dockets.

10. This case is a glaring example showcasing lackadaisical rather vindictive approach of the State officials. The respondent No.4 having given the assurance that he would comply with the order passed by this Court, has paid no heed to his own assurance, let alone the orders of this Court.

11. It is noteworthy that the petitioner had moved an application (I.A. No. 01/2024) as back as on 20.04.2024 in which it was stated that Ashish Kumar Gupta, the District Collector had been transferred and one Pratap Singh had joined as District Collector, Jaisalmer. True it is that no formal order on such application had been passed when the contemnor appeared personally (on 08.10.2024). But though he had completed at least 6 months in the chair of District Collector, he portrayed as if he had joined recently. The statement which he gave that he had recently joined was not an excuse simplicitor – it was a false statement on the face of it.

12. This Court, therefore, records a finding of willful rather deliberate non-compliance of the order passed by the Court. The statement about 'recently joining', given on 08.10.2024 also turns out to be false – he had joined at least six months ago. Hence, perjury is writ large.

13. The respondent No.4 is therefore, clearly guilty of contempt of court. The case at hands calls for appropriate punishment of civil imprisonment, because any amount of monetary fine cannot redeem the dereliction of duties and continuous non-compliance by him.

14. Issue notice to the respondent No.4.

15. Mr. Anirudh Singh Shekhawat, learned counsel accept notice on behalf of the respondent No.4.

16. List this case on 25.03.2025 at 2:00 p.m.

17. The respondent-contemnor No.4 – Mr. Pratap Singh to present himself at 2:00 p.m. on the next date of hearing. He or his counsel may make submissions in relation to the quantum of punishment to be awarded.

(DINESH MEHTA),J