

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 20TH DAY OF JUNE 2011

PRESENT

THE HON'BLE MR. JUSTICE V. G. SABHAHIT

AND

THE HON'BLE MR. JUSTICE RAVI MALIMATH

C C C (CIVIL) No.1302 OF 2011

BETWEEN

1. M NARASIMHAIAH S/O LATE MUNIYAPPA
SECRETARY, M/S. MUTHU KOTEY
EDUCATION SOCIETY, DODDABOMASANDRA
VIDYARANPURA, BANGALORE 560097
... COMPLAINANT.

(By Sri. AH LAW FIRM, ADV.)

AND

1. STATE OF KARNATAKA
REP BY ITS PRINCIPAL SECRETARY
SRI SUBHIR HARI SINGH
DEPARTMENT OF URBAN DEVELOPMENT
M.S. BUILDING, BANGALORE 560 001
2. SRI BHARAT LAL MEENA
COMMISSIONER,
BANGALORE DEVELOPMENT AUTHORITY
T CHOWDIAH ROAD, KUMARAPARK WEST,
BANGALORE 560020

3. SRI. BASAPPA S.,
DEPUTY SECRETARY I, C.A. SITES DIVISION
BANGALORE DEVELOPMENT AUTHORITY
T CHOWDAIAH ROAD, KUMARAPARK WEST
BANGALORE 560020
4. SRI. M. SHRIHARI,
ADDITIONAL DISTRICT REGISTRAR
UNIT NO I, BANGALORE DEVELOPMENT AUTHORITY
BANGALORE URBAN
BANGALORE.

... ACCUSED.

THIS CCC IS FILED U/S 11 & 12 OF THE CONTEMPT OF COURT ACT BY THE COMPLAINANT, WHEREIN HE PRAYS THAT THE HON'BLE HIGH COURT BE PLEASED TO INITIATE CONTEMPT PROCEEDINGS AGAINST THE ACCUSED FOR THEIR WILLFUL AND DELIBERATE DISOBEDIENCE OF THE ORDER DATED 31.01.2011 PASSED IN W.P.NO.39044/2010.

THIS CCC. COMING ON FOR PRELIMINARY HEARING, THIS DAY, SABHAHIT J., MADE THE FOLLOWING:

ORDER

This complaint is filed complaining that there is willful disobedience of a direction issued by this Court in W.P.No.39044/2010 dated 31.01.2011 wherein the following order was passed:

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“Therefore, the second and third respondents are directed to refund the registration charges and stamp duty charges amounting to Rs.3,06,650/-. The said refund shall be made within a period of three months from the date of issuance of the certified copy of this order, failing which, the second and third respondents shall pay simple interest at the rate of 6% per annum till realisation.”

2. We have heard the learned counsel appearing for the complainant - petitioner who submitted that the period of three months mentioned is over and refund has not been made as per the order dated 31.01.2011 and therefore, there is willful disobedience of the direction issued by this Court.

3. We are unable to accept the said contention in view of the above order passed by this Court which states that the consequence that would follow if

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payment is not made within three months is that the 2nd and 3rd respondents shall be liable to pay simple interest at the rate of 6% per annum, till realisation.

Therefore, at this stage, we do not find any willful disobedience of the direction issued by this Court. Accordingly, Contempt Petition is dismissed.

Sd/-
JUDGE

Sd/-
JUDGE

KS