

*** THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA**

+ CONTEMPT APPEAL No. 4 of 2025

% 16.07.2026

Between:

V. Seenaiiah

.....APPELLANT

AND

Nellore Sudhakar and others

....RESPONDENTS

! Counsel for the Appellant : Sri E. Sambasiva Pratap, Addl.AG
Assisted by Sri K. Keerthi Teja

Counsel for the Respondents : Sri Madhavarao Nalluri

< Gist :

> Head Note:

? Cases Referred:

1. AIR 2012 SC 3891
2. (2003) 11 SCC
3. 1970 (3) SCC 98
4. 1962 SCC OnLine SC 368
5. (2024) 11 SCC 679
6. (2024) 12 SCC 85

Date of reserved for orders : 23.06.2026

Date of pronouncement :16.07.2026

Date of uploading : 16.07.2026

APHC010619082025



**IN THE HIGH COURT OF ANDHRA PRADESH [3562]
AT AMARAVATI**

CONTEMPT APPEAL NO: 4 of 2025

V Seenaiiah ...Appellant
Vs.
Nellore Sudhakar and Others ...Respondents

Advocate for Appellant: SUDHIR MATTEGUNTA

Advocate for Respondent: MADHAVA RAO NALLURI

**CORAM : SRI JUSTICE RAVI NATH TILHARI
SRI JUSTICE SUBHENDU SAMANTA
DATE : 16th July, 2026**

JUDGMENT: (per Hon'ble Sri Justice Ravi Nath Tilhari)

Heard Sri E. Sambasiva Pratap, learned Additional Advocate General, assisted by Sri K. Keerthi Teja, appearing on behalf of appellant and Sri Madhavarao Nalluri, learned counsel appearing for respondents.

2. This Contempt Appeal has been filed under Section 19 of the Contempt of Courts Act, 1971 by the appellant (respondent in Contempt Case No.827 of 2018) arising out of the Judgment and Order dated 16.10.2025, passed by the learned single Judge holding the appellant

guilty of committing contempt of the Order dated 08.03.2018 in W.P.No.7251 of 2018 and imposing the punishment of civil imprisonment for a period of two months, also directing to restitute the loss suffered by the writ petitioners by effecting reconstruction to bring the property to *status ante* and in the event of failure in effecting the restitution within a period of three months, imposing a further civil imprisonment for a period of four months, with further direction to pay costs of Rs.10,000/- to each of the writ petitioners, within a period of two weeks from the date in the Order.

3. The respondents herein are the writ petitioners and also the petitioners in the contempt case. There were four writ petitioners in the writ petition and out of those, writ petitioners No.2 and 4 have filed the contempt case, who are respondents in this appeal.

4. W.P.No.7251 of 2018 was filed challenging the notice dated 26.02.2018 issued by Brahmadevam Gram Panchayat, represented by its Secretary, Brahmadevam village, Muthukuru Mandal, SPSR Nellore District. By the said notice, the petitioners were directed to remove the encroachments on the public road. The notice also referred to the Order dated 05.12.2017 passed in W.P.No.40019 of 2017. The Writ Petition No.40019 of 2017 was filed by one M. Chenchiah raising the grievance that in spite of several representations made by him for removal of encroachments in Panchayat land/rasta admeasuring Ac.0.66 cents in the

village, no action was taken by the Panchayat Authorities. The said writ petition was disposed of, directing the respondents therein to consider the representation of M. Chenchiah, within a specified period.

5. The learned Judge in W.P.No.7251 of 2018 has recorded that the Order of 05.12.2017 in W.P.No.40019 of 2017 showed that the learned standing counsel for the Gram Panchayat submitted that the survey was conducted and as soon as they receive the report action would be initiated. Thereafter, notice dated 26.02.2018 was given to the writ petitioners to remove the alleged encroachment which was under challenge in W.P.No.7251 of 2018. The said writ petition was disposed of at the admission stage setting aside the impugned order/notice dated 26.02.2018, on the ground that in the W.P.No.40019 of 2017 there was direction to consider the representation and no positive direction to remove the encroachment was given. But in directing the encroachment to be removed, no opportunity of hearing was given to the writ petitioners and they were not put to any notice.

6. W.P.No.7251 of 2018 was thus disposed of vide paragraphs-4 & 5 of the judgment dated 08.03.2018 in the following terms:

“4. Thus, this infirmity goes to the root, impugned order is not sustainable and is accordingly set aside. Writ petition is disposed of at the stage of admission. The order (termed as notice) dated 26-2-2018 shall be treated as show cause notice. The learned Standing Counsel also undertakes to instruct his client to furnish a copy of the survey report to the petitioners within three (3)

days from today. The petitioners shall file their explanation within two (2) weeks from the date of furnishing survey report.

5. On considering the explanation, appropriate orders shall be passed by the Gram Panchayat. Until decision is taken and communicated to the petitioners, the 5th respondent-Gram Panchayat shall maintain *status quo* obtaining as on today.”

7. The contempt petitioners filed the contempt case No.827 of 2018 raising the grievance that from the aforesaid Order, it is evident that the Order termed as Notice dated 26.02.2018 was directed to be treated as ‘show cause notice’. The learned standing counsel in W.P.No.7251 of 2018 had also undertaken to instruct his client to furnish a copy of the survey report to the writ petitioners within three days from that day, and the petitioners were granted time to file their explanation within two weeks from the date of furnishing survey report. The direction was given that on considering the explanation appropriate order shall be passed by the Gram Panchayat and until such decision was taken and communicated to the writ petitioners, the 5th respondent-Gram Panchayat therein shall maintain a *status quo* obtaining as on the date of the order.

8. The contempt petitioners in Contempt Case No.827 of 2018 alleged willful disobedience of the Order passed in W.P.No.7251 of 2018. Their contention was that the respondent (appellant herein) furnished a copy of the survey sketch only on 12.03.2018. It appeared to them that actually no survey was conducted. Copy of the survey report was not furnished. They had time till 26.03.2018 for submitting their explanation

from furnishing the copy of the survey sketch. But in the meantime, on 19.03.2018 itself at about 3 p.m the respondent came on spot with 15 workers accompanied by Sub-Inspector of Police and the Police Constables and demolished the petitioners' houses. They mentioned the details of such demolition in length, width and height, in the contempt petition. The aforesaid act was done by the respondent in spite of the information given about the order passed by this Court in the writ petition.

9. The appellant herein (respondent in the contempt case) filed counter affidavit and submitted that after the receipt of the survey report on 18.10.2016 notices were issued to the writ petitioners on 01.02.2017, 21.05.2017, 17.07.2017 and 27.07.2017 asking the writ petitioners and two others to remove the illegal encroachments made by them. The survey report dated 18.10.2016 was served on 10.02.2017 itself. All the aforesaid notices and the survey report was prior to the Order dated 05.12.2017 passed in W.P.No.40019 of 2017. The stand was taken that on the request of the writ petitioners for re-survey, a representation was made to the Tahsildar in the last week of November 2017 to re-survey the land, but the Tahsildar did not consider that representation made by the Gram Panchayat on the ground that the land had already been surveyed. It was further stated in the counter affidavit that in continuation of the previous notices, another notice dated 26.02.2018 was issued to the petitioner to demolish the illegal structure before 04.03.2018 pursuant to

the directions issued by the District Collector, Nellore on 22.02.2018. Letter to that effect was also issued by the Tahsildar on 28.02.2018 directing the petitioners to remove the encroachments, and after receipt of the notice, the contempt petitioners made a representation dated 08.03.2018 to the Gram Panchayat that they will remove the encroachment before 15.03.2018, but they failed to remove the encroachment and consequently, on 19.03.2018 the Gram Panchayat demolished the part of the compound wall encroached by the petitioners. But the Gram Panchayat never touched the house of the petitioners, except the compound wall and at that time when the contempt petitioners orally informed the respondent (the appellant herein) about the orders passed by this Court in W.P.No.7251 of 2018, they stopped further removal of the encroachments.

10. In the counter affidavit, the respondent (appellant herein) also took the stand that the copy of the order dated 08.03.2018 in W.P.No.7251 of 2018 was received by the Gram Panchayat on 01.04.2018, upon which, notice was issued to the petitioners on 03.04.2018 stating that the previous notice/order dated 26.02.2018 shall be treated as a show cause notice. The survey report was also furnished and the explanation of the petitioners was asked within two weeks, but the petitioners did not file their explanation which was awaited and thereafter, the Gram Panchayat never proceeded with any demolition of

the encroachments. The respondent (appellant herein) clearly denied in the counter the receipt of the copy of the Order on 19.03.2018 specifically submitting in para-7 that on 19.03.2018 he did not receive order copy, but only an intimation from the writ petitioners at the time of removal of encroachments on that day and on such intimation they stopped the work of removal of the encroachments.

11. On consideration of the issue, the learned single Judge arrived at the conclusions in para-14 which are being reproduced as under:

“14. In the above premise, this Court has come to a conclusion that the Respondent herein is guilty of Contempt of this Court for the following reasons:

i. That the Contemnor/Respondent, who is arrayed as one of the Defendant in O.S.No.383 of 2017 is bound by the Interim Order passed in I.A.No.339 of 2017 in O.S.No.383 of 2017, which Order was subsisting on the said date.

ii. That the Unofficial Respondent No.6 in the Writ Petition by name Sri M. Chenchiah had also suppressed the factum of pendency of the Suit for Permanent Injunction bearing O.S.No.383 of 2017 and also the factum of subsistence of Interim Order in I.A.No.339 of 2017 in O.S.No.383 of 2017 and obtained an innocuous Order to consider the Representation without impleading the Writ Petitioners.

iii. The sole Respondent/Contemnor had made a futile effort before this Court in the present Contempt Proceeding to raise several inconsistent and unfounded pleas with a view to mislead this Court by showing wrong dates instead of being apologetic and showing an element of remorse.

iv. The sole Respondent herein had furnished the Survey Report to the Writ Petitioners without getting the Survey conducted. In any case, such Survey Report is supplied on 15.03.2018 and without waiting for a period of two weeks to enable the Writ Petitioners to submit their Explanation,

he had addressed a Letter to the Police for providing police protection and got the properties of the Petitioners and demolished in a highhanded manner on 19.03.2018 itself.

v. There is deliberate suppression of material facts with regard to the subsisting Status quo order passed by the Principal Civil Judge (Junior Division), Nellore dated 09.08.2017 in I.A.No.399 of 2017 in O.S.No.383 of 2017 inasmuch as the Respondent herein was arrayed as a Defendant. Collusion between the Panchayat Secretary (Respondent No.5) and the Unofficial Respondent No.6 in the Writ Petition is also evident from the fact that the impugned Notice issued by the sole Respondent herein on 26.02.2018 did not specifically indicate the Writ Petition number or about the order passed by this Court in W.P.No.40019 of 2017 dated 05.12.2017 which is filed by Sri M. Chandraiah.”

12. The learned single Judge passed the Order on 16.10.2025, holding the appellant guilty of contempt and imposed punishment and directions were also issued to reconstitute the loss suffered by the contempt petitioners. The operative part of the Order in para-16 reads as under:

“16. In the above premise, the Contemnor/Respondent is held guilty and convicted for the Contempt of Court, and therefore, shall suffer civil imprisonment for a period of two months. The Contemnor/Respondent shall also reconstitute the loss suffered by the Writ Petitioners herein (Writ Petitioner Nos.1 & 4) by effecting reconstruction to bring the property to status-quo ante. In the event of failure on the part of Contemnor/Respondent in effecting the restitution within a period of three months, the Contemnor/Respondent shall suffer further civil imprisonment for a period of four months. The Contemnor/Respondent is directed to pay Costs of Rs.10,000/- to each of the Writ Petitioners herein within a period of two weeks from the date of uploading of this Order on the Web-site of this Court. At this stage, the learned Counsel appearing for Contemnor/Respondent had requested the Court to suspend this

Order for some time. On such request, the present Order is suspended for a period of two weeks from the date of uploading of this Order on the Web-site of this Court. Accordingly, this Contempt Case is allowed.”

13. The learned single Judge after holding the appellant guilty of contempt, also issued directions to the appellant so as to ensure that the contempt petitioners, the victims, were compensated and the loss suffered by them was restituted for the reasons recorded and consideration made in para-15, which is reproduced as under:

“15. While holding the Contemnor/Respondent guilty of Contempt, it would be the duty of the Court to ensure that the victim who suffered the loss shall be restituted and if the same is not done, mere Order of punishment would be of no avail for victim who suffered with the act of high-handedness of the Contemnor/Respondent. This view of the Court is fortified by the two decisions of the Hon’ble Apex Court, which are discussed hereunder:

a) In ***Amit Kumar Das, Joint Secretary, Baitanik, A Registered Society Vs. Shrimati Hutheesingh Tagore Charitable Trust*** :(2024) 11 SCC 679. In Para Nos.15 to 17, the Hon’ble Apex Court has held as under :

“15. However, in *Mazdoor Sangh v. Baranagore Jute Factory Plc.* [*Mazdoor Sangh v. Baranagore Jute Factory Plc.*, (2017) 5 SCC 506 : (2017) 3 SCC (Civ) 35 : (2017) 2 SCC (L&S) 19] , considering the aforesaid precedent, a two-Judge Bench of this Court noted that the three-Judge Bench had clarified therein that directions which are explicit in the judgment or “are plainly self-evident” can be taken into account for the purpose of considering whether there is any disobedience or wilful violation. The Bench further held that the Court has a duty to issue appropriate directions for remedying or rectifying the things done in violation of the Court order and in that regard, the Court may even take restitutive measures at any stage of the proceedings.

16. Significantly, the two-Judge Bench had merely echoed the affirmation of the legal position by another two-Judge Bench of this Court in *DDA v. Skipper*

Construction Co. (P) Ltd. [DDA v. Skipper Construction Co. (P) Ltd., (1996) 4 SCC 622] The principle that a contemnor ought not to be permitted to enjoy and/or keep the fruits of his contempt was reiterated therein. Reference was made by the Bench to Mohd. Idris v. Rustam Jehangir Babuji [Mohd. Idris v. Rustam Jehangir Babuji, (1984) 4 SCC 216 : 1984 SCC (Cri) 587] , wherein it was held that undergoing punishment for contempt would not mean that the Court is not entitled to give appropriate directions for remedying and rectifying the things done in violation of its orders.

17. Therefore, the principle that stands crystallised by these judgments is that, in addition to punishing a contemnor for disobeying its orders, the Court can also ensure that such a contemnor does not continue to enjoy the benefits of his disobedience by merely suffering the punishment meted out to him.”

b). In ***State Bank of India and Others Vs. Dr. Vijay Mallya : (2024)12 SCC 85***. In Para Nos.16 & 17, the Hon’ble Apex Court has held as under:

“16. In the circumstances, in order to maintain the majesty of law, we must impose adequate punishment upon the contemnor and must also pass necessary directions so that the advantages secured by the contemnor or anyone claiming under him are set at naught and the amounts in question are available in execution of the decrees passed in the recovery proceedings concerned.

17. Considering the facts and circumstances on record and the facts that the contemnor never showed any remorse nor tendered any apology for his conduct, we impose sentence of four months and fine in the sum of Rs 2000 (Rupees two thousand only) upon the contemnor. The fine shall be deposited in the Registry of this Court within four weeks and upon such deposit, the amount shall be made over to the Supreme Court Legal Services Committee. In case the amount of fine is not deposited within the time stipulated, the contemnor shall undergo further sentence of two months.”

14. Challenging the aforesaid judgment, present Contempt Appeal No.4 of 2025 has been filed.

15. Sri E. Sambasiva Pratap, learned Addl. Advocate General, appearing for the appellant, submitted that the contempt petitioners had given an undertaking on 08.03.2018 pursuant to the notices and order passed previously that they would remove the encroachment by 15.03.2018 but as they did not comply with the undertaking given, on 19.03.2018 the demolition work started in which only the compound wall was demolished and when the contempt petitioners informed about the order of the Writ Court the demolition work was stopped and any part of the house was not demolished. He submitted that the copy of the Order dated 08.03.2018 of the Writ Court thereof was never served by 19.03.2018, which was received by Courier only on 01.04.2018.

16. Learned counsel for the appellant submitted that there is no willful disobedience of the Writ Court's Order. Violation occurred on 19.03.2018 due to no service of the copy of the Order dated 08.03.2018. So, no case for contempt was made out and the Order under appeal deserved to be set aside.

17. Sri E. Sambasiva Pratap further submitted that pursuant to the directions issued in the contempt petition by Order dated 16.10.2025 to re-construct the demolished part, the appellant had reconstructed the same and restitution has been done on the demolished part. Additionally, the other direction of the learned single Judge to pay Rs.10,000/- to each

of the contempt petitioners has also been complied and a memo to that effect, dated 15.12.2025 has already been filed.

18. Learned counsel for the Appellant placed reliance on the following two cases in support of his contentions.

1) ***Salauddin Ahmed v. Samta Andolan***¹

2) ***Ashok Paper Kamgar Union v. Dharam Godha***²

19. Sri Madhavarao Nalluri, learned counsel for the contempt petitioners/present respondents, submitted that the respondent in W.P.No.7251 of 2018 i.e., the Gram Panchayat was represented through its standing counsel who was also heard. So, the Secretary, Gram Panchayat had knowledge of the Order passed in the writ petition. It cannot be said that he had no knowledge of the Order dated 08.03.2018. He submitted that under the Order dated 08.03.2018 the learned standing counsel for the Gram Panchayat had undertaken to instruct his client to furnish a copy of the survey report to the petitioners within three days from that day i.e., from 08.03.2018. He submitted that a copy of the survey sketch/report was given on 12.03.2018. There was disobedience of the Order as the Gram Panchayat did not wait for the period of two weeks granted to the writ petitioners to file their explanation from the date of furnishing survey sketch/report, which time was available to the writ

¹ AIR 2012 SC 3891

² (2003) 11 SCC

petitioners to submit the explanation up to 26.03.2018, but in the meantime, the demolition was done on 19.03.2018 itself.

20. Sri Madhavarao Nalluri, learned counsel for the respondents submitted that the act of disobedience was willful and there is no illegality in the Order of punishment and it did not call for any interference.

21. We have considered the aforesaid submissions of the learned counsels for the parties and perused the material on record.

22. The ground of challenge mainly as argued is that the copy of the Order of the Writ Court was not served. So, the demolition had taken place on 19.03.2018. The copy was received only thereafter on 01.04.2018.

23. In this appeal, the Coordinate Bench on 28.04.2026 passed the Order granting time to the contempt appellant to produce proof that the Order dated 08.03.2018 of the Writ Court was communicated to him on 01.04.2018. The Order dated 28.04.2026 reads as under:

“The order in W.P.No.7251 of 2018 directing the 5th respondent therein – Gram Panchayat to maintain status quo obtaining as on that day was passed on 08.03.2018. Despite passing of the said order to maintain status quo, the compound wall was demolished on 19.03.2018. Therefore, a contempt petition was filed and it was allowed punishing the contemnor for violating the order of the Court. Against the same, the present appeal is preferred.

2. The main contention of the appellant/contemnor is that the order of status quo was communicated to him on 01.04.2018 and compound wall was demolished even prior to the said date i.e., on 19.03.2018. But, no proof is produced to show that the order of the Court was served on the contemnor on

01.04.2018 to buttress the contention of the contemnor that as he has no knowledge of the order, no wilful act of contempt was committed.

3. Learned Additional Advocate General requests time to produce proof to show that the order was communicated to the appellant/contemnor on 01.04.2018.

4. Therefore, list the matter on 23.06.2026.

5. Interim order granted earlier is extended till then.”

24. The appellant filed memo vide USR No.61860/2026, dated 19.06.2026, submitting that the copy of the Order dated 08.03.2018 was received by the appellant on 01.04.2018 from the 2nd respondent by the DTDC Courier service also, annexing the copy of the courier envelop cover.

25. So far as the receipt of copy of the Order dated 08.03.2018 in W.P.No.7251 of 2018 to the appellant Secretary, Gram Panchayat is concerned, we are satisfied that the copy of the order was served through courier on 01.04.2018 in view of the Memo filed on 19.06.2026, on perusal of the documents annexed with the said memo. The respondents have not filed any response to the said Memo disputing the same. The case of the respondents itself is that they received the copy of the Order passed in the writ petition only on 19.03.2018. Their own case is, as per the contents in the affidavit of the contempt petition that on 19.03.2018 they intimated about the Order of the Writ Court on the spot. Even in the affidavit, the clear case of the respondents is that the copy of the Order dated 08.03.2018 was received by them on 19.03.2018. So, it is clear that

they could serve the copy to the appellant only after 19.03.2018. It is their own case that the copy was sent through post. So, it could not be prior to 19.03.2018. We are satisfied that the copy of the Order dated 08.03.2018 passed in the writ petition was not served to the Secretary, Gram Panchayat by the contempt petitioners, at any point of time prior to 19.03.2018 on which date the demolition took place.

26. But, the moot question is whether service of the copy of the Order is must or intimation or knowledge of the Order of the Writ Court would be sufficient for compliance with the said Order, and any willful disobedience of the Court's Order, in spite of knowledge or/and intimation would entail punishment for contempt.

27. On the aspect of knowledge or/and intimation of the Writ Court's Order we find that the Gram Panchayat was party in the writ petition and was heard through its standing counsel. The knowledge of the Order dated 08.03.2018 passed in the presence and on hearing of the standing counsel shall be imputed to the Secretary, Gram Panchayat. It cannot be said that the appellant had no knowledge of the Writ Court's Order.

28. We further find that under the Order dated 08.03.2018, the learned standing counsel had undertaken to instruct the Gram Panchayat to furnish a copy of the survey report to the petitioners (contempt petitioners) within three days from 08.03.2018. The contempt petitioners

(respondents herein) categorically stated in the contempt petition affidavit that the copy of the survey sketch was furnished on 12.03.2018 (para-4 of the affidavit). The appellant in his response (counter affidavit) in the contempt case did not deny the contents of the para-4 of the contempt petition (affidavit). The case of the contempt appellant is that the copy of the survey report had already been furnished even prior to the proceedings of W.P.No.40019 of 2017, on 10.02.2017 (para-3 of the counter affidavit in the contempt case). The question is what was the occasion for the appellant to have furnished the copy of the survey sketch/report on 12.03.2018, if they had no knowledge of the Order dated 08.03.2018 passed by the Writ Court. Service of the copy of the survey report/sketch/map on 12.03.2018 to the petitioners would certainly be pursuant to the Writ Court's Order dated 08.03.2018, when the same is read along with the undertaking given by the learned standing counsel for Gram Panchayat to instruct the Gram Panchayat to serve copy of the survey report. So, from the material on record, the affidavits of the contempt petitioners and the counter of the contempt appellant, it is very clear that the learned standing counsel of Gram Panchayat had communicated to the Gram Panchayat what he had undertaken in the Order dated 08.03.2018. It is not the case of the appellant neither in his counter to the contempt affidavit nor in the contempt appeal that the learned standing counsel for the Gram Panchayat did not communicate

the Order dated 08.03.2018 or did not inform about furnishing copy of the survey report by the Gram Panchayat, to the contempt petitioners pursuant to the Order dated 08.03.2018. It is not the averment in counter affidavit in contempt case that nothing was communicated to the contempt appellant by the learned standing counsel. There is no averment by the appellant in the contempt appeal nor any such averment, could be brought to our notice that the learned standing counsel for the Gram Panchayat did not communicate the Order dated 08.03.2018 or did not instruct about furnishing the copy of the survey report as was undertaken by him.

29. The learned standing counsel had undertaken to do so and we cannot assume and presume that the learned standing counsel would not have done what he had undertaken, he being a responsible Officer of the Court, and particularly when it is not the case of the appellant that the standing counsel did not communicate.

30. In the reply affidavit in contempt case the contempt petitioners clearly stated in para-9 of which the relevant part reads as under:

“9. It is relevant to state that as admitted by the respondent that before furnishing the copy of the order on 08.03.2018 itself we have informed the passing of the order passed by this Hon’ble Court in the presence of the standing counsel appeared for the Grama Panchayat. **The Writ Petition was filed on 05.03.2018 after serving the papers on the standing counsel appearing for the Respondent and the matter was listed on 08.03.2018**, this Hon’ble Court was pleased to dispose of the matter at the admission stage.

This Hon'ble Court also observed in the copy of the order that the standing counsel undertakes to instruct his client to furnish a copy of the survey report to the petitioners within 3 days. The above said undertaking and appearance of the standing counsel in the above writ petition is amounts to getting knowledge of the respondent about passing of the order by this Hon'ble Court."

31. The 1st respondent (Appellant) filed additional affidavit in contempt case dated 06.09.2024 and in paragraph No.5 stated as under:

"5. It is submitted that, only after serving the eviction order passed by this respondent, the compound wall was demolished partly on 19.03.2018. **After contacting the learned standing counsel and after knowing the stay order of this Hon'ble Court 19.03.2018**, immediately this respondent stopped the demolition of the wall of the petitioner."

32. The 1st respondent (appellant) also filed an affidavit dated 11.10.2025 in contempt case and in para-7 thereof clearly stated about contacting the learned standing counsel over phone on 19.03.2018. That part reads as under:

"7. It is further humbly submitted on 08/03/2018, the petitioners submitted undertaking that they would remove the encroachments voluntarily for the subject property. But they didn't remove the encroachments, when this respondent on 19/03/2018, started for removal of encroachments, the Petitioners informed that there was a Status quo passed by this Hon'ble Court on 08/03/2018 in W.P.No.7251/2018. Immediately this respondent contacted the learning Standing Counsel over phone and came to know that there was a Status quo order passed by this Hon'ble court in the above subject property. Then immediately this respondent stopped the demolition of the above subject property."

33. From the aforesaid statements, it is evident that the contempt appellant was in touch with the standing counsel, may be as stated, on 19.03.2018, but in the facts and circumstances, particularly, that it was never stated that the standing counsel did not communicate, it cannot be believed that the contempt appellant had no knowledge or intimation of the Court's Order dated 08.03.2018.

34. At this stage, it is further relevant to refer to the Order dated 25.09.2025 passed in the contempt case. The same reads as under:

“Heard Sri Madhava Rao Nalluri, Ld. Counsel for the Petitioners and Sri M. Sudheer, Ld. Counsel for the Respondent.

2. The present Contempt Case is filed complaining of highhanded manner in which the Respondent has undertaken the demolition of the house belonging to the Petitioners on 19.03.2018. The facts in this case would indicate that vide Order dated 08.03.2018, Ld. Single Judge of this Court in W.P.No.7251 of 2018 had issued the following directions.

“4. Thus, this infirmity goes to the root, impugned order is not sustainable and is accordingly set aside. Writ petition is disposed of at the stage of admission. The order (termed as notice) dated 26-02-2018 shall be treated as show cause notice. The learned Standing Counsel also undertakes to instruct his client to furnish a copy of the survey report to the petitioners within three (3) days from today. The petitioners shall file their explanation within two (2) weeks from the date of furnishing survey report.

5. On considering the explanation, appropriate orders shall be passed by the Gram Panchayat. Until decision is taken and communicated to the petitioners, the 5th respondent-Gram Panchayat shall maintain status quo obtaining as on today.”

3. The above extract would indicate that three days from 08.03.2018, the Respondents herein were required to submit a copy of the Survey Report. This Court had granted two weeks time to the Petitioners to respond on the Survey Report.

4. It is the case of the Petitioners herein that the Petitioners have received the Survey Report on 12.03.2018 and therefore, the Petitioners had the time to submit a Reply to the Survey Report up to 26.03.2018. Whereas, the Respondents, without waiting for the two weeks period to enable the Petitioners to submit an Explanation, had demolished the residential buildings of the Petitioners on 19.03.2018. The second Photograph in page No.19 of this case would indicate that the demolition was in fact done on 19.03.2018, without any manner of doubt.

5. Sri M. Sudheer, Ld. Counsel representing the sole Respondent has drawn the attention of this Court to page No.13 of the additional Counter- Affidavit filed by him on 06.09.2025 and would submit that the Petitioners themselves have undertaken to remove the encroachments voluntarily. On perusal of the said document which is alleged to have been submitted by the Petitioners herein, it is a Letter dated 08.03.2018, which states that the encroachments would be removed subject to the orders passed by the High Court.

6. It is noteworthy to mention that on 08.03.2018 itself this Court had passed an order as extracted above, by which the sole Respondent could not have undertaken any demolition in view of the order passed by the High Court on 08.03.2018. It cannot be contended by the Respondents that the Respondents had undertaken the demolition when the order of this Court dated 08.03.2018 is still subsisting.

7. Admittedly, the demolition was done on 19.03.2018 which fact is clearly reflected from the second photograph at page No.19 of the Paper Book.

8. In this view of the matter, this Court is of the, prima facie, opinion that the sole Respondent has willfully disobeyed the order of the Court. It cannot be said that the sole Respondent has no knowledge of the order passed by this inasmuch as the Survey Report was handed over by the Respondent on 12.03.2018, which makes it evident that the Respondent had complete knowledge of the order passed by the Court and thereby had partly complied with the order of the Court by submitting the Survey Report to the Petitioners.

9. Therefore, this Court is constrained to hold the sole Respondent, prima facie, guilty of Contempt of Court. He is directed to Show Cause within one week as to why he should not be punished for Contempt of Court for willful disobedience of the Order.

10. The sole Respondent is directed to appear before this Court on the next date of listing.

11. Sri M. Sudheer, Ld. Counsel representing the sole Respondent is directed to convey the gist of this Order to the sole Respondent forthwith for effective compliance.

12. List this matter on 16.10.2025.”

35. Then the respondent in CC.No.827 of 2018 (present appellant) filed an affidavit dated 11.10.2025, paragraph Nos.4 to 7 of which deserve reproduction as under:

“4. It is further humbly submitted that on 25.09.2025, this Hon’ble Court passed an Order. In the para 4 of the order observed that the petitioners herein have received the Survey report on 12.03.2018 is not correct. But actually survey report was sent to the petitioners on 03.04.2018 through registered post, the same evidence was filed before this Hon’ble Court in my additional counter affidavit at page 17, 18 & 19. So that, the petitioners received the Survey report from this respondent on 12.03.2018 is absolutely not correct.

5. It is further humbly submitted that actually this respondent not aware of the order passed by this Hon’ble Court on 08.03.2018 in W.P.No.7251/2018 as on the date of demolition on 19.03.2018. It is submitted that before demolition, this respondent passed eviction order on 08.03.2018 and the same was communicated to the petitioners.

6. On 15.03.2018, this respondent addressed a letter to the Station House Officer, Muthukur Mandal, SPSR Nellore district for requesting Police Protection for the demolition of the subject compound wall on 19.03.2018.

7. It is further humbly submitted on 08.03.2018, the petitioners submitted undertaking that they would remove the encroachments voluntarily for the

subject property. But they didn't remove the encroachments, when this respondent on 19.03.2018, started for removal of encroachments, the petitioners informed that there was a Status quo passed by this Hon'ble Court on 08.03.2018 in W.P.No.7251 of 2018. Immediately this respondent contacted the learning Standing Counsel over phone and came to know that there was a Status quo order passed by this Hon'ble Court in the above subject property. Then immediately this respondent stopped the demolition of the above subject property."

36. By the aforesaid affidavit, the appellant tried to change his stand. In the counter affidavit in contempt case he did not deny service of the survey sketch memo/report to the contempt petitioner on 12.03.2018. But after the Order dated 25.09.2025 was passed by the learned single Judge recording *prima facie* view, in para-8 of the Order, considering the service of the survey sketch/report on 12.03.2018, the appellant for the first time after about 7 years of the filing of the counter affidavit denied the service of the survey report/sketch on 12.03.2018. In the meantime, the appellant had also filed an additional affidavit on 06.09.2024 in contempt case but at that time also the contents of para-4 of the contempt affidavit were not denied.

37. Serving the copy of the survey sketch/map/report on 12.03.2018 after the Order dated 08.03.2018 and which would certainly be pursuant to the direction under the Order dated 08.03.2018, proves that the appellant had the knowledge and intimation of the Court's Order

dated 08.03.2018 much prior to the date of demolition and in any case latest by 12.03.2018.

38. We are of the considered view that even if it be taken that the copy of the Order dated 08.03.2018 could not be served by the petitioners as they themselves received copy on 19.03.2018 and even if it be taken that the copy of the Order was received on 01.04.2018 by the Gram Panchayat Secretary vide courier in view of the Memo filed, the appellant had the knowledge and intimation of the Order dated 08.03.2018, much prior to 19.03.2018 and in any case on 12.03.2018, when the survey report/sketch map was served to the contempt petitioner. We cannot accept the contention that the demolition which took place on 19.03.2018 was in ignorance of the Court's Order for non-supply of the copy of the Court's Order or that the act of demolition was not a deliberate or willful act of the contempt appellant.

39. In ***The Aligarh Municipal Board v. Ekka Tonga Mazdoor Union***³ the Hon'ble Apex Court held that it may also be pointed out that in order to justify action for contempt of court for breach of a prohibitive order it is not necessary that the order should have been officially served on the party against whom it is granted if it is proved that he has notice of the order aliunde and he knew that it was intended to be enforced. Official communication is not a condition precedent, provided there is no valid

³ 1970 (3) SCC 98

reason to doubt the authenticity of the order conveyed to him. Relevant part from para-5 of *The Aligarh Municipal Board* (supra) reads as under:

“5. It may also be pointed out that in order to justify action for contempt of court for breach of a prohibitive order it is not necessary that the order should have been officially served on the party against whom it is granted, if it is proved that he has notice of the order aliunde and he knew that it was intended to be enforced. Official communication is not a condition precedent, provided there is no valid reason to doubt the authenticity of the order conveyed to him.”

40. In *Hoshier Singh v. Gurbachan Singh*⁴ also the Hon’ble Apex Court held in paragraph No.8 as under:

“8. The learned advocate for the appellants has referred us to a number of decisions, English and Indian, relating to mandatory orders, or orders for the payment of money, or orders which require under the rules of the Court to be served in a particular manner. *In re : Holt (an Infant)* [1879 11 Ch D 168] ; *Ex-parte Lingley* [1879 13 Ch D 110] ; *In re : Tuck, Murch v. Loosemore* [1906 1 Ch 692] ; *Dwijendra Krishna Dutta v. Surendra Nath Nag Choudhury* [AIR (1927) Calcutta 548] ; and *Gordon v. Gordon* [(1946) 1 All ER 246] . In those decisions it was held that it was necessary to have the order properly served before charging a person with disobedience of it. We do not think that those decisions are in point, because **we are dealing with a prohibitory order and in the matter of a prohibitory order it is well-settled that it is not necessary that the order should have been served upon the party against whom it has been granted in order to justify committal for breach of such an order, provided it is proved that the person complained against had notice of the order aliunde.** The distinction between prohibitory orders and orders of an affirmative nature was adverted to in *N. Baksi v. O.K. Ghosh* [AIR (1957) Patna

⁴ 1962 SCC OnLine SC 368

528] and a large number of decisions were referred to in support of the rule that **in respect of a prohibitory order, service of the order was not essential for founding an action in contempt.** We do not think that any useful purpose will be served by examining those decisions over again. We are content to adopt for the purposes of this case the rule as succinctly put by Oswald and quoted earlier in this judgment.”

41. The Writ Court’s Order to maintain *Status quo* in a writ petition against threat of demolition is certainly a prohibitory order to maintain the thing in the same status, and not to demolish.

42. Further, the stand taken in the counter affidavit in the contempt case vide para-4 is that the notice was issued to the petitioners on 26.02.2018 to remove the encroachment before 04.03.2018 as per the instructions issued by the District Collector, Nellore on 22.02.2018 for which the Tahsildar had also issued the letter dated 22.02.2018 and pursuant to the notice, the petitioners assured for removal of the encroachment before 15.03.2018 vide their representation dated 08.03.2018.

43. The aforesaid contention and the stand of the appellant had been considered by the learned single Judge and it was observed in para-13 of the judgment that the representation of the contempt petitioners, undertaking to demolish by 15.03.2018 could not be believed. The learned single Judge expressed that the same was in different handwriting and further that in any case, even if that representation was submitted, that was during the course of the day on which the Order

dated 08.03.2018 was passed in the writ petition and therefore was under the imminent danger of the petitioners' building being demolished.

44. We are of the view and satisfied that the contempt appellant cannot take the shelter of the representation of the petitioners to demolish by 15.03.2018 said to be given on 08.03.2018. Even if that representation dated 08.03.2018 be there and even if in spite of such representation, the petitioners did not remove the alleged encroachment. Once the Order was passed by the Writ Court on 08.03.2018, the appellant could not proceed to demolish the building or any part thereof under pretext of the petitioners' representation dated 08.03.2018 or their failure to demolish in spite of the alleged undertaking. Any action of demolition could not be taken by the appellant on any pretext contrary to the directions issued by the Writ Court.

45. Here, again we find that the affidavit was filed to change the stand. In the main counter affidavit to contempt case there was no mention of any Order of eviction dated 08.03.2018. The only mention was of the notices issued pursuant to which representation was given on 08.03.2018 by contempt petitioners to remove the alleged encroachments by 15.03.2018. But, in the additional affidavit dated 06.09.2024 and the affidavit dated 11.10.2025 the contempt appellant has stated that an Order of eviction of the contempt petitioners was passed on 08.03.2018, which stand was never taken in the counter affidavit in contempt case.

46. So, we are also in conformity with the view taken by the learned single Judge in para-14 (iii) of the judgment, which reads as under:

“The sole Respondent/Contemnor had made a futile effort before this Court in the present Contempt Proceeding to raise several inconsistent and unfounded pleas with a view to mislead this Court by showing wrong dates instead of being apologetic and showing an element of remorse.”

47. In ***Salauddin Ahmed*** (supra), upon which learned counsel for the contempt appellant placed reliance, the Hon’ble Apex Court held that in order to establish that a person had deliberately and willfully committed the contempt of court, two essential ingredients have to be proved.

Firstly, it has to be established that an order has been passed by the Court which either directs certain things to be done by a person or to restrain such person or persons from doing certain acts and that the person or persons had knowledge of the said order.

Secondly, it has to be established that despite having knowledge of such order, the person concerned deliberately and willfully violated the same with the intention of lowering the dignity and image of the Court.

48. Paragraph No.36 of ***Salauddin Ahmed*** (supra) reads as under:

“36. In order to establish that a person had deliberately and wilfully committed contempt of court, two essential ingredients have to be proved. Firstly, it has to be established that an order has been passed by the court which either directs certain things to be done by a person or to restrain such person or persons from doing certain acts and that the person or persons had knowledge

of the said order. Secondly, it has to be established that despite having knowledge of such order, the person concerned deliberately and wilfully violated the same with the intention of lowering the dignity and image of the court. We have to see whether in the facts of this case the said two tests are satisfied.”

49. There is no dispute on the proposition of law as laid down in the case of ***Salauddin Ahmed*** (supra). Applying the said principle to the facts of the present case, we are satisfied that both the ingredients are proved. It is established from the record that though the copy of the Order was not received by the appellant, but he had knowledge and intimation of the Order of the Writ Court. The Hon'ble Apex Court in ***Salauddin Ahmed*** (supra) has clearly held “***that the person or persons had knowledge of the said Order***”. So, mere knowledge of the Order is sufficient. Serving the copy of the Order is not an essential requirement to hold guilty of contempt, when despite knowledge there is willful disobedience of the Court Order. Knowledge of the Order to the appellant is established in view of the discussion made above. We are satisfied on the second essential ingredient as well that there was willful and deliberate violation of the Court's Order. The appellant did not wait for two weeks to enable the petitioners to file the explanation and before expiry of that period demolished the construction or part thereof on 19.03.2018 itself. Both the ingredients as in ***Salauddin Ahmed*** (supra) are satisfied.

50. In ***Ashok Paper Kamgar Union*** (supra), upon which also learned counsel for the contempt appellant placed reliance, the Hon'ble Apex Court held that Section 2 (b) of the Contempt of Courts Act defines 'civil contempt' and it means wilful disobedience to any judgment, decree, direction, order, writ or other process of a Court or wilful breach of undertaking given to a Court. 'Willful' means an act or omission which is done voluntarily and intentionally and with the specific intent to do something the law forbids or with the specific intent to fail to do something the law requires to be done, that is to say, with bad purpose either to disobey or to disregard to the same. The Hon'ble Apex Court held that therefore, in order to constitute contempt the Order of the Court must be of such a nature which is capable of execution by the person charged in normal circumstances. It should not require any extraordinary effort nor should be dependent, either wholly or in part, upon any act or omission of a third party for its compliance.

51. Paragraph 17 of ***Ashok Paper Kamgar Union*** (supra) reads as under:

“17. Section 2(b) of the Contempt of Courts Act defines “civil contempt” and it means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of undertaking given to a court. “Wilful” means an act or omission which is done voluntarily and intentionally and with the specific intent to do something the law forbids or with the specific intent to fail to do something the law requires to be done, that is to say, with bad purpose either to disobey or to disregard the law. It signifies a deliberate

action done with evil intent or with a bad motive or purpose. Therefore, in order to constitute contempt the order of the court must be of such a nature which is capable of execution by the person charged in normal circumstances. It should not require any extraordinary effort nor should be dependent, either wholly or in part, upon any act or omission of a third party for its compliance. This has to be judged having regard to the facts and circumstances of each case. The facts mentioned above show that none of the respondents to the petition can be held to be directly responsible if the Scheme which had been formulated by the Government of India on 28-6-1996 and had been approved by this Court by the order dated 8-7-1996 could not be implemented in letter and spirit as many factors have contributed to the same. The reasons given for non-inclusion of Shri Umadhar Prasad Singh in signing of the agreement appear to be quite plausible. NCFL has undoubtedly not discharged its liability of making payment of its entire liability of Rs 6 crores. However, it has come out with a case that some additional expenditure has been incurred in running the unit. It is not possible to get the complete financial picture only on the basis of the affidavits filed in the present petition. On the material on record, therefore, it is not possible to hold that the charge of having committed contempt of court on account of alleged non-compliance with the orders passed by this Court on 8-7-1996, 1-5-1997 [Under Article 32 of the Constitution of India] and 31-7-2000 [*Ashok Paper Mills Kamgar Union v. Union of India*, (2003) 11 SCC at p. 16, below] has been established against any one of the respondents.”

52. In the present case, the Order of the Writ Court was to serve the copy of the survey report within the specified time and from that date of service two weeks time was granted to the petitioners to submit explanation and thereafter on considering the explanation Order had to be passed by the Gram Panchayat and to be communicated to the petitioners, and till then *status quo* was ordered. The said direction as has

already been reproduced (supra) is not of such a nature, which was not capable of execution. It also did not require any extraordinary effort nor its execution was dependent on the act of some third party. The appellant had to serve the copy of the survey report, wait for the period granted for explanation to be filed by the petitioners and then to proceed further accordingly. Certainly, the appellant could have waited for that time and if the explanation was filed within the specified time, then to proceed further as per the directions issued by the Writ Court. All those aspects to be considered and acted upon by the appellant did not require any extraordinary effort to comply with the Order nor any part of the said Order for its compliance by the appellant depended on the compliance or the act of any third party. So, the appellant cannot have any benefit of the judgment in ***Ashok Paper Kamgar Union*** (supra).

53. The next contention of the learned counsel for the appellant that since the appellant has complied with the part of the Order of payment of Rs.10,000/- as compensation to each of the contempt petitioners and has also restored the compound wall, and so, no action deserves to be taken against the appellant deserves rejection. In our view, compliance with that part of the Order under challenge is no substitute for punishment to the willful disobedience of the Court's Order and committing the contempt. The directions of the learned single Judge to restore *status quo ante* and to compensate the contempt petitioners

was not in lieu of or in substitution of the sentence. On the finding, holding the appellant guilty of contempt the punishment was imposed and to compensate the loss suffered or to restitute, the Order was passed to restitute compound wall and pay an amount of Rs.10,000/- to each contempt petitioners. That was apart from imposition of punishment under the Act 1971. Punishment is for committing the contempt of court. The power to order restitution as held in the cases of ***Amit Kumar Das, Joint Secretary, Baitanik, A Registered Society v. Shrimati Hutheesingh Tagore Charitable Trust***⁵ and ***State Bank of India and Others vs. Dr. Vijay Mallaya***⁶ is for remedying or rectifying the things done in violation of the Court's Order.

54. In ***Amit Kumar Das, Secretary, Baitanik, A Registered Society*** (supra) it was held that in addition to punishing a contemnor for disobeying its orders, the Court can also ensure that such a contemnor does not continue to enjoy the benefits of his disobedience by merely suffering the punishment meted out to him. Paras-16 and 17 of ***Amit Kumar Das, Secretary, Baitanik, A Registered Society*** (supra) are read as under:

“16. Significantly, the two-Judge Bench had merely echoed the affirmation of the legal position by another two-Judge Bench of this Court in *DDA v. Skipper Construction Co. (P) Ltd.* [*DDA v. Skipper Construction Co. (P) Ltd.*, (1996) 4 SCC 622] The principle that a contemnor ought not to be

⁵ (2024) 11 SCC 679

⁶ (2024) 12 SCC 85

permitted to enjoy and/or keep the fruits of his contempt was reiterated therein. Reference was made by the Bench to *Mohd. Idris v. Rustam Jehangir Babuji* [*Mohd. Idris v. Rustam Jehangir Babuji*, (1984) 4 SCC 216 : 1984 SCC (Cri) 587] , wherein it was held that undergoing punishment for contempt would not mean that the Court is not entitled to give appropriate directions for remedying and rectifying the things done in violation of its orders.

17. Therefore, the principle that stands crystallised by these judgments is that, in addition to punishing a contemnor for disobeying its orders, the Court can also ensure that such a contemnor does not continue to enjoy the benefits of his disobedience by merely suffering the punishment meted out to him.”

55. In ***Dr. Vijay Mallya*** (supra) the Hon’ble Apex Court held that apart from punishing the contemnor for his contumacious conduct, the majesty of law may demand that appropriate directions be issued by the Court so that any advantage secured as a result of such contumacious conduct is completely nullified. Mere passing an order of punishment would not be enough or sufficient and in a given case, to meet the ends of justice, the concept of purging of the contempt would call for complete disgorging of all the benefits secured as a result of actions which are found by the court to be contumacious. Paras-14, 15 and 16 of ***Dr. Vijay Mallya*** (supra) read as under:

“14. It is, thus, well settled that apart from punishing the contemnor for his contumacious conduct, the majesty of law may demand that appropriate directions be issued by the court so that any advantage secured as a result of such contumacious conduct is completely nullified. The approach may require the court to pass directions either for reversal of the transactions in question by declaring said transactions to be void or passing appropriate directions to the authorities concerned to see that the contumacious conduct on the part of the

contemnor does not continue to enure to the advantage of the contemnor or any one claiming under him. It is precisely for these reasons that the direction to have vacant possession delivered to the rightful claimant was passed by this Court in *Noorali Babul Thanewala v. K.M.M. Shetty* [*Noorali Babul Thanewala v. K.M.M. Shetty*, (1990) 1 SCC 259] . Mere passing of an order of punishment as stated by this Court in *Pravin C. Shah v. K.A. Mohd. Ali* [*Pravin C. Shah v. K.A. Mohd. Ali*, (2001) 8 SCC 650] would not be enough or sufficient. In a given case, to meet the ends of justice, the concept of purging of the contempt would call for complete disgorging of all the benefits secured as a result of actions which are found by the court to be contumacious.

15. In its judgment and order dated 9-5-2017 [*SBI v. Kingfisher Airlines Ltd.*, (2017) 6 SCC 654 : (2017) 3 SCC (Civ) 273] , this Court had found that the action on part of the contemnor in disbursing the amount of US \$40 million was against the text and tenor of orders passed by the High Court of Karnataka and that the contemnor was guilty of contempt.

16. In the circumstances, in order to maintain the majesty of law, we must impose adequate punishment upon the contemnor and must also pass necessary directions so that the advantages secured by the contemnor or anyone claiming under him are set at naught and the amounts in question are available in execution of the decrees passed in the recovery proceedings concerned.”

56. We are further satisfied that the appellant acted in haste manner without waiting for the copy of the Order in spite of intimation or/and knowledge of the Order and it appears to us from the averment(s) in the counter affidavit in contempt case that it was all done in an effort to comply with the directions of the District Collector, issued prior to the Court's Order dated 08.03.2018, giving preference to the directions of the District Collector over the Orders of this Court.

57. We are therefore not inclined to interfere with the Order of the learned single Judge for the reasons we have assigned. The same does not call for any interference.

58. (i) The Contempt Appeal is dismissed.

(ii) The appellant shall surrender before the Registrar (Judicial) of this Court within a period of one week from today. The Registrar (Judicial) shall proceed as per law for implementation / execution of the Judgment dated 16.10.2025 of the learned single Judge in C.C.No.827 of 2018.

(iii) Let a copy of this judgment be served on the appellant through his counsel within a period of two days from today.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

RAVI NATH TILHARI, J

SUBHENDU SAMANTA, J

Date: 16.07.2026
Dsr

Whether the order is:

Reasoned 'Yes'

Reportable 'Yes' (LR copy to be marked)