NC: 2023:KHC:43111-DB
CCC No. 768 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF NOVEMBER, 2023

PRESENT

THE HON'BLE MR PRASANNA B. VARALE, CHIEF JUSTICE

AND

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

CIVIL CONTEMPT PETITION NO. 768 OF 2023

BETWEEN:

SRI. BHASKAR RAO. K
S/O SATHYANARAYANA K,
AGED ABOUT 53 YEARS,
R/AT DOOR NO.55, 9TH MAIN,
AD BLOCK, SRIRAMPURAM,
BENGALURU-560 021.

...COMPLAINANT

(BY SRI. VIJAY SHETTY B.,ADVOCATE)

AND:

Digitally signed by SHARADA VANI B
Location: HIGH COURT OF KARNATAKA

MR. ABHILASH M. M.
WORKING AS
THE ASSISTANT EXECUTIVE ENGINEER,
BBMP, SOLID WASTE MANAGEMENT CELL,
BBMP WARD NO.110,
SHIVAJINAGAR DIVISION, QUEENS ROAD,
BENGALURU-560 001.

...ACCUSED

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT 1971, PRAYING TO i) INITIATE AND TAKE CONTEMPT ACTION BY FRAMING THE CHARGE AGAINST THE ACCUSED FOR WILLFUL DISOBEDIENCE AND

COMMITTING CONTEMPT OF THE COURT ORDER IN W.P.NO.14513/2022 (LB-BMP), DATED 01.08.2022 AND SUBSEQUENT ORDERS OF EXTENDING THE INTERIM ORDER PASSED BY THE HON'BLE HIGH COURT OF KARNATAKA AT BENGALURU VIDE ANNEXURE-A.

THIS CCC COMING ON FOR PRELIMINARY HEARING, THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

ORDER

Though the complainant is before this court by filing the present complaint of contempt with an allegation that the respondent had willfully disobeyed the order of learned Single Judge dated 01.08.2022, we are not satisfied with the so called grievance raised for more than one reason. The grievance is in respect of an order placed on record at page 14.

2. Firstly, the above order dated 01.08.2022 whose violation is complained of was is an interim order whereby the learned Single Judge had stayed the proceedings pursuant to the order dated 15.07.2022 passed by 3rd

respondent at Annexure-A, till next date of hearing. On enquiry as to whether the said order is placed on record, the learned counsel invited our attention to Annexure-H and its translated copy. A bare perusal of these documents shows that its only a work order which is dated 16.07.2022. The caption of the document is also 'Annexure-H'. Thus, there is a glaring difference between the date mentioned in the court order dated 01.08.2022 and the one appearing on the face of Annexure-H which is referred to in the said order.

3. Secondly, the learned counsel for the complainant fairly submits that his client's case in W.P.No.14513/2022 that was pending before the learned Single Judge itself has been disposed off as having been withdrawn. As a consequence, the interim order merges with the final order and that the final order is not a coercive one.

In the above circumstances, the we are convinced that there is no case of willful disobedience of the subject

interim order and therefore these proceedings are liable to be dismissed in *limine.*

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

Snb/
List No.: 1 Sl No.: 11