[2025] 5 S.C.R. 1375 : 2025 INSC 678

Tata Mohan Rao
v.
S. Venkateswarlu and Others Etc.

(Civil Appeal No(s). 6591-6592 of 2025)

09 May 2025

[B.R. Gavai,* and Augustine George Masih, JJ.]

Issue for Consideration

The Court was seized of a matter concerning the contemptuous conduct of a Tehsildar who forcibly evicted home dwellers and defied court orders. Court appreciated the factual scenario in light of principle of rule of law.

Headnotes†

Contempt of Court – Respondents sought regularisation of their houses via representation to revenue authorities – Not considered – Writ petitions filed against revenue authorities' eviction attempt without considering Respondents' representation – Direction to Appellant (the then Tehsildar) by High Court to decide on representation within 2 months and maintain status quo in the interim – Tehsildar allegedly defied the said court order; demolished certain structures claiming them to be illegally erected overnight – High Court passed restraining order against Tehsildar – Tehsildar still defied the court order and evicted several families with the help of 80 police personnel; also mercilessly beat up women and children – Aggrieved occupants filed two contempt petitions – Single judge found Tehsildar in contempt; sentenced him for two months and fined with INR 2,000 – Intra Court appeal dismissed – Hence the special leave petition.

Every person/authority regardless of rank is bound by court orders:

Held: No one, howsoever high in rank is above the law – Disobedience of court orders hits rule of law on which democratic

* Author

societies are founded and thrive – Appellant's conduct was completely inhumane and devoid of humanitarian considerations despite their being a court order in place, hence the conviction was affirmed.

Majesty of law lies not in punishing, but in forgiving; Court ordered reduction in rank – A novel punishment other than what is provided under Contempt of Court Act, 1971:

Held: Though Appellant's callous conduct does not warrant leniency, but keeping in view his imprisonment's potential impact on his children's education and family's overall well-being, it is just if imprisonment is modified – Because if Appellant undergoes imprisonment as imposed, he will be dismissed from service as per service rules – Hence, Appellant is demoted by a rank below i.e., to the rank of Tehsildar and must pay a fine of INR 1,00,000 under the NTR Housing Scheme, Government of Andhra Pradesh within four weeks and file a proof thereof.

List of Acts

Contempt of Courts Act, 1971.

List of Keywords

Demolition; Eviction; Home dwellers; House; Patta; Land; Occupants; Contempt; Disobedience; Rule of law; Livelihood; Humanitarian consideration; Regularise; Article 215.

Case Arising From

CIVIL APPELLATE JURISDICTION: Civil Appeal No(s). 6591-6592 of 2025

From the Judgment and Order dated 19.02.2025 of the High Court of Andhra Pradesh at Amravati in CA No. 4 and 5 of 2015

Appearances for Parties

Advs. for the Appellant:
Devashish Bharuka, Sr. Adv., Avnish Dave, Prakhar Sharma, Ms. Anu Gupta.

Judgment / Order of the Supreme Court

Judgment

B.R. Gavai, J.

1. Leave granted.

2. The present appeals challenge the common final judgment dated 19th February 2025 passed by the learned Division Bench of the High Court of Andhra Pradesh at Amaravati (hereinafter referred to as, "High Court") in Contempt Appeal Nos. 4 and 5 of 2015 whereby the learned Division Bench of the High Court has dismissed the contempt appeals, affirming the common judgment dated 27th March 2015 rendered by the learned Single Judge of the erstwhile High Court of Judicature at Hyderabad for the State of Telangana and State of Andhra Pradesh in Contempt Case No.2233 of 2013 and Contempt Case No.128 of 2014 convicting the appellant under the Contempt of Courts Act, 1971 and sentencing him to undergo two months of simple imprisonment along with a fine of Rs.2,000/-.

3. The facts, *in brief*, giving rise to the present appeals are as under:

   3.1 Several citizens, including the respondents in these appeals claimed to be in possession of the land situated in D.No.600/1 of Adavi Takkellapadu village near Summer Peta, Guntur Mandal (hereinafter referred to as, "subject land") wherein they had constructed their houses. These citizens had filed representations before the revenue authorities seeking grant of house site *pattas* to regularise their construction.

   3.2 Since the said representations were not considered, the respondents approached the High Court by way of a writ petition being W.P. No.23641 of 2013 contending that the revenue authorities were attempting to evict them from the subject land without considering their representation.

   3.3 The High Court, *vide* order dated 13th September 2013 directed the Tehsildar to consider the representation of the said respondents and to communicate a decision within a period of two months. The High Court further directed that until a decision *vis-à-vis* the representations is taken, none of the authorities

would disturb the possession of the respondents residing on the subject land.

3.4 Subsequently, another set of respondents under similar circumstances approached the High Court *via* writ petition being W.P. No.35958 of 2013 alleging that the revenue authorities were attempting to evict them from the subject land without considering their representation.

3.5 In the said petition it was also alleged that the present appellant, who was then working as a Tehsildar had removed certain structures from the subject land despite an earlier order passed by the High Court.

3.6 At the hearing on 11th December 2013 in W.P. No.35958 of 2013, the appellant contended that unauthorised structures had been erected overnight by certain individuals and being a government servant and assigned with the duty of protecting the government land, he was merely discharging his duties.

3.7 The High Court in its order dated 11th December 2013 did not accept the contention of the appellant wherein it specifically recorded that such conduct on part of a public servant does not auger well in a democratic society governed by the rule of law. It observed that respondent no.3 therein (appellant herein) could not have taken law into his own hands by forcibly removing structures from the subject land. The High Court, therefore, specifically restrained the appellant from acting in such a manner.

3.8 It appears that despite the aforesaid orders of the High Court *i.e.,* orders dated 13th September 2013 and 11th December 2013, the appellant, on the night of 12th December 2013 accompanied by a police force of 80 personnel threw the respondents occupying the subject land on the road, removed their belongings from their homes after allegedly beating the women and children mercilessly.

3.9 Aggrieved thereby, two contempt petitions came to be filed before the High Court being Contempt Case No.2233 of 2013 and Contempt Case No.128 of 2014.

3.10 The learned Single Judge of the High Court, *vide* common judgment dated 27th March 2015 held that the appellant was

guilty of deliberately and wilfully disobeying the orders passed by the Court. The High Court observed that despite a specific warning issued to the appellant on 11th December 2013, the appellant indulged in demolishing huts and evicting the occupants. The High Court further found that the conduct of the appellant was intolerable and consequently, refused to take a lenient view. Therefore, while convicting the appellant under the Contempt of Courts Act, 1971, the High Court sentenced him to suffer simple imprisonment for two months and imposed a fine of Rs.2,000/-.

3.11 Aggrieved thereby, the appellant preferred intra-court appeals being Contempt Appeal Nos. 4 and 5 of 2015 before the High Court which were heard and dismissed *vide* impugned common final judgment dated 19th February 2025 passed by the Division Bench of the High Court. The Division Bench in the impugned common judgment reiterates that despite the orders passed by the High Court on 13th September 2013 as well as the clear warning issued on 11th December 2013, the appellant repeated the misconduct. Therefore, the order of the learned Single Judge deprecating the actions of the appellant and directing that the appellant should not be entitled to any mercy was confirmed by the learned Division Bench of the High Court.

4. Being aggrieved thereby, a special leave petition was filed by the appellant. *Vide* order dated 21st April 2025, taking a lenient view, notice was issued by this Court and in the meantime, the impugned order was stayed.

5. We have heard Shri Devashish Bharuka, learned Senior Counsel appearing for the appellant. In spite of being duly served no one has entered appearance on behalf of the respondents.

6. Shri Bharuka, learned Senior Counsel submits that during those days, the situation in the border areas arising from the bifurcation of Andhra Pradesh and Telangana was precarious. Therefore, the appellant made an effort in a *bona-fide* manner to safeguard the government land. He further submits that the appellant had only evicted the persons who had constructed the houses overnight.

7. Shri Bharuka further submits that if the appellant is imprisoned for a period of 48 hours, then under the relevant service rules, he would be liable to be dismissed from service. He submits that the appellant

and his entire family would be rendered homeless. He further submits that the appellant's two children, currently studying in 11th and 12th standard, would not be in a position to continue their education and that their careers would also be adversely affected.

8. We are of the view that the appellant ought to have considered the consequences before demolishing the structures of the home dwellers and throwing them on the road along with their belongings and that too despite of the specific warnings given to him by the High Court in its order dated 11th December 2013.

9. The actions of the appellant were inhumane. If the appellant expects this Court to take a humanitarian approach, such conduct was not expected from him.

10. The learned Single Judge of the High Court in the judgment dated 27th March 2015 noted that apart from violating a specific court order dated 11th December 2013, there was a total lack of humanitarian consideration in the appellant's action.

11. We could have taken a serious view of the matter. However, we are reminded of a well-established principle that the majesty of law lies not in punishing, but in forgiving.

12. While we are of the considered view that the appellant does not merit any leniency on account of his adamant and callous conduct, we find that his children and family should not suffer as a consequence of his actions.

13. If the appellant undergoes the original sentence of two months, under the relevant service rules, he would be immediately dismissed from his service thereby depriving his children and family of their livelihood.

14. In that view of the matter, we are inclined to confirm the conviction of the appellant, however, we are inclined to take a lenient view with respect to the sentence to be imposed on the appellant.

15. We hasten to add that though we are taking a lenient view, it is necessary for this Court to send a clear message that no one, howsoever high they may be, they are not above the law.

16. When a Constitutional Court or for that matter, any court issues any direction, every person or authority regardless of rank, is duty bound to respect and comply with that order. Disobedience of the orders

passed by the court attacks the very foundation of the rule of law on which the edifice of a democracy is based.

17. In that view of the matter, we find that the ends of justice would be subserved if the conviction of the appellant is affirmed, however, the sentence of imprisonment imposed on him by the High Court is modified.

18. We find that in order to send across the right message, the conviction under the Contempt of Courts Act 1971 be confirmed, however, insofar as the sentence is concerned, the appellant shall suffer a reduction of one level in rank in the hierarchy of his service and shall also be liable to pay a heavy fine.

19. We are informed that the appellant was promoted as a Deputy Collector in the year 31st October 2023.

20. We, therefore, partly allow the present appeals in the following terms:

    i. The conviction of the appellant under the Contempt of Courts Act, 1971 is confirmed;

    ii. Insofar as the sentence is concerned, we direct the State of Andhra Pradesh to revert the appellant to the post of Tehsildar. His seniority in the cadre of Tehsildar for further promotional avenues shall be considered only from 31st October 2023; and

    iii. The appellant shall pay a fine quantified at Rs.1,00,000/- (Rupees One Lakh only), which shall be deposited under the NTR Housing Scheme, Government of Andhra Pradesh within a period of four weeks from today. The proof of payment shall be submitted to the Registry of this Court.

21. Pending application(s), if any, stand disposed of.

Result of the case: Appeals partly allowed.

†*Headnotes prepared by:* Niti Richhariya, Hony. Associate Editor
(*Verified by:* Abhinav Mukerji, Sr. Adv.)