

PETITIONER:
TAPAN KUMAR MUKHERJEE

Vs.

RESPONDENT:
HEROMONI MONDAL AND ANR.

DATE OF JUDGMENT 14/11/1990

BENCH:
RANGNATHAN, S.
BENCH:
RANGNATHAN, S.
RAMASWAMY, K.

CITATION:
1991 AIR 281 1990 SCR Supl. (3) 55
1991 SCC (1) 397 JT 1990 (4) 399
1990 SCALE (2) 1000

ACT:

Contempt of Courts Act--Sections 3 and 19--Court's orders-Compliance of utmost vigilance to be exercised by officers of Government.

HEADNOTE:

The appellant, an officer of the State Government, while acting as Junior Land Reforms Officer-cum-Block Development Officer, was enjoined to comply with the Order dated 15.6.1987 passed by the Calcutta High Court, restraining the Respondent-State from interfering with the possession of the writ-petitioners in respect of the disputed lands and from cultivating the said lands. The appellant was duly apprised with the said order and as a result thereof Block Level CoOrdination Committee met and passed a resolution on 20.7.1987 that the Officer-in-charge of the Kultuli Police Station should take necessary action according to the order of the Hon' High Court. The appellant was a party to the said resolution. Despite that on 3.8.1987, he issued a memo to the Officer-in-charge of the Kultuli Police Station intimating that the pattaholders mentioned in the memo were entitled to cultivate the lands in dispute and that the police help to the pattaholders be given during the cultivation period. This memo was directly and clearly in violation of the injunction order passed by the High Court. On a contempt petition filed before the High Court, the appellant was found guilty of contempt of court and the High Court rejecting the apology tendered by him, imposed a fine of Rs.1,000. Being aggrieved the appellant moved a petition before this Court, which was originally registered as Petition for Special leave and was dismissed by this Court on 23.10.89. Thereafter, on being pointed out that the petition should have been treated as an appeal petition under section 19 of the Contempt of Courts Act, the Court recalled it earlier order dated 23.10.89 and directed that SLP be re-numbered as a Criminal Appeal and that is now the instant appeal has come up for hearing.

The appellant contended that the memo dated 3.8.87 had been inadvertently signed by him as it was one of the several memos which he had to issue in connection with various disputes regarding cultivation rights during the cultivation

season. On the other hand the respondents

56

contended that they had been litigating against the State since 1963 as the State had granted pattas in respect of the disputed lands to others disregarding their right to the land and the appellant had been acting contrary to the interests of the respondents in the said litigation.

Allowing the appeal, this Court,

HELD: Having decided, as a member of the B.L.C.C., to give police protection to the respondents, the appellant was not likely to have taken action deliberately to go contrary to the decision of the Committee and flout the order of the Court. The possibility that there was some mistake or inadvertence due to pressure of work cannot be totally ruled out. [59F]

Officers of Government should exercise utmost vigilance in compliance of courts' orders, particularly where they deal with vital issues such as cultivation rights of land-holders. [60E]

In the present case, the appellant himself withdrew his letter dated 3.8.87 and police protection was provided to the respondents. But such lapses, even during a short interval, can sometimes cause irreparable damage and injury. [60F]

Where a case of wilful disobedience is made out, the courts will not hesitate and will convict the delinquent officer and no lenience in the court's attitude should be expected from the court as a matter of course merely on the ground that an order of conviction would damage the service career of the concerned officer. [60F-G]

JUDGMENT: