



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF DECEMBER, 2023

PRESENT

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

AND

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

CIVIL CONTEMPT PETITION NO. 616 OF 2023

BETWEEN:

ANAND SURANA,
S/O SRI.G.C. SURANA
AGED ABOUT 53 YEARS,
R/O NO 45/3, FARE FIELD LAYOUT,
RACE COURSE ROAD,
BENGALURU - 560 001.

...COMPLAINANT

(BY SRI. RAVI H K.,ADVOCATE)

AND:

1. TUSHAR GIRI NATH,
BBMP COMMISSIONER,
N R CIRCLE, BENGALURU 560 002.
2. BHOOPRABHA,
EXECUTIVE ENGINEER 1,
BBMP HEAD OFFICE,
3RD FLOOR, ANENX-3 BUILDING,
N R CIRCLE, BENGALURU 560 002.
3. DAMODHAR MANJUNATH,
M/S K. DAMODARA AND CO,
No.71, EAST PARK ROAD,
BETWEEN 13TH AND 14TH CROSS,
MALLESHWARAM, BENGALURU 560 003.

...ACCUSED





THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, PRAYING TO PUNISH THE ACCUSED FOR THE DISOBEDIENCE OF THE ORDER OF STATUS-QUO DATED 20.2.2023 PASSED IN WP NO.22208/2017 (KLR-RR-SUR) BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT.

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

ORDER

This complaint alleges violation of the order dated 20.02.2023 passed by the learned Single Judge in W.P.No NO.22208/2017 (KLR-RR-SUR).

2. Learned counsel for the Complainant submits that in view of *prima facie* violation/non-compliance of the subject order of the court, the accused be summoned and tried for the offence punishable under Sections 11 & 12 of the Contempt of Courts Act, 1971.

3. Having heard the counsel for the Complainant and having perused the complaint papers, we decline indulgence in the matter inasmuch as the order in question passed by the court below can be enforced by way of execution or otherwise as provided under the provisions of Code of Civil Procedure, 1908, more particularly, the provisions of Order XXXIX Rule 2A read with Section 151, as the case may be. Ordinarily,



contempt jurisdiction under the provisions of the Contempt of Courts Act, 1971 cannot be invoked, as a matter of course, subject to all just exceptions, into which argued case of the Complainant does not fit. Thus, there is an alternate & equally efficacious remedy availing to the Complainant if there is violation or breach of the order in question. No special circumstances are demonstrated as to why the Complainant should be permitted to invoke the contempt jurisdiction. It is open to the Complainant to have recourse to the alternate remedy, if so advised. In that connection, all contentions are kept open.

In the above circumstances, these proceedings are disposed off with liberty to the Complainant as indicated above.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

cbc
List No.: 1 Sl No.: 14