

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 2492 OF 2020  
(@ SLP (CIVIL) NO.6849/2020)

THE STATE OF ANDHRA PRADESH & ORS. .. Appellant(s)

Versus

SURYADEVARA VENKATA RAO & ANR. .. Respondent(s)

O R D E R

Leave granted.

A writ petition was filed before the Andhra Pradesh High Court in public interest complaining of painting the village panchayat offices with the colours of the flag of the ruling party in the State. The High Court by its judgment dated 10.3.2020 issued the following directions :

"i) The Government Memo No.PRR01-PROPPAN(MISC)/192/2019 Dt. 11.08.2019 issued by the Principal Secretary to Government approving the proposal of the Commissioner dated 08.08.2019 to paint the buildings of the Gram Panchayat with the colours of Image-I, is hereby quashed.

ii) The respondents are restrained to paint the Government buildings/Panchayat buildings similar to the colours of the flags of the parties or the party offices by use of public money.

iii) The respondents are directed to remove the colours painted on the Panchayat buildings in

furtherance of their Memo dated 11.08.2019 within 10(Ten) days from today, atleast prior to the elections of the Panchayat. The directions be issued, forthwith, by the respondent No.1/Principal Secretary to the Government, in this regard.

iv) The Chief Secretary of the State shall ensure the compliance of the directions and submit a compliance report within 2(two weeks) to the Registrar (Judicial) of this Court. Failure to submit the same may entail the responsibility of Respondent No.1 including the Chief Secretary.

v) The Chief Secretary is further directed to formulate the guidelines to specify suitable colour combination for painting the Panchayat/Government buildings and other properties belonging to the Government as well as local bodies and authorities; which should not be similar to the colours of the flags and office of political parties. Prior to the election, the Panchayat buildings, if any are painted in furtherance of the Memo dated 11.08.2019, such colors shall be removed or repaint by the colour theme, so decided by the Chief Secretary.

vi) The State Election Commission is directed to hold free and fair election of the local bodies, and to take appropriate steps, in the State without allowing to adopt the evil practices, by any of the party.

vii) The State Election Commission shall issue fresh guidelines akin to the guidelines issued by the Central Election Commission, which is based on the judgments of the Supreme Court as well as various High Courts."

By an order dated 20.04.2020, the High Court extended time for implementation of the judgment till expiry of three weeks

after lockdown is lifted. Thereafter by G.O. No.622 dated 23.04.2020, guidelines were issued for painting of Panchayat/ Government buildings. One of the guidelines is to the effect that the colour combination for painting the buildings and other properties should not be similar to the colours of the flags of political parties. Consequent upon the said guidelines, by G.O. No.623 dated 23.04.2020 the Government issued the colour combination/ theme for painting the Gram Panchayat buildings in the State. The colour scheme mentioned is green, blue, white and terracotta.

Writ Petition No.110 of 2020 challenging G.O. Nos.622 and 623 dated 23.4.2020 was allowed by the High Court *vide* impugned judgment dated 22.5.2020. The High Court was of the opinion that the directions issued in its judgment dated 10.3.2020 have not been implemented by the State and that there is a deliberate attempt to overreach the orders of the court. While setting aside the Government orders passed on 23.4.2020, the High Court initiated contempt proceedings against the respondents. The respondents were directed to be personally present before the court on 28.5.2020 to explain the reasons for non-compliance of the directions given in the earlier judgment dated 10.3.2020. However, the respondents were given liberty to comply with the order dated 10.3.2020.

Mr. P.S. Narasimha, learned senior counsel appearing for the appellants submits that the writ petition is pre-mature as G.O. Nos.622 and 623 dated 23.4.2020 have not been implemented so far

as the colour combination for painting the Gram Panchayat buildings has not been decided. He urged that the High Court ought to have dismissed the Writ Petition. He further submitted that the judgment of the High Court dated 10.3.2020 should not be understood as having prevented the Government to take a decision on the colour combination for painting the Gram Panchayat buildings.

We have examined the matter carefully. We are of the opinion that the judgment of the High Court does not warrant interference. There is no ambiguity in the direction issued by the High Court by its judgment dated 10.03.2020 that any colour which is similar to the flag of any political party should not be used for painting the Gram Panchayat buildings.

We are not in agreement with Mr. Narasimha that the Writ Petition was premature. As the grievance was that G.O. Nos. 622 and 623 dated 23.04.2020 were issued in gross violation of its earlier judgment, the High Court committed no error in adjudicating the dispute raised in the Writ Petition. The directions issued by the High Court in the judgment dated 10.03.2020 are clear and unambiguous. The High Court is right in holding that the respondents have made a deliberate attempt in circumventing the directions issued on 10.03.2020. Executive orders are subjected to judicial review and the judgments of the courts which have become final should be followed by compliance of the directions given therein. Any attempt to disobey the directions issued by courts would be subversive to the Rule of

Law. Public confidence in the judiciary will be eroded if its orders are not obeyed.

As the judgment dated 10.03.2020 in Writ Petition No.117 of 2019 has attained finality, the directions given by the High Court have to be complied with. We approve the findings of the High Court that G.O. Nos. 622 and 623 dated 23.04.2020 were issued only to avoid compliance of the directions issued in Writ Petition No.117 of 2019.

Therefore, we direct the respondents to remove the existing colours on the Gram Panchayat buildings in compliance of the directions issued by the High Court by its judgment dated 10.3.2020 within a period of four weeks from today. As we have extended time for compliance of the directions in the judgment dated 10.03.2020, the contempt proceedings initiated by the High Court are closed.

The appeal stands disposed of accordingly. Pending application(s), if any, shall stand disposed of.

.....J.  
( L. NAGESWARA RAO )

.....J.  
( KRISHNA MURARI )

.....J.  
( S. RAVINDRA BHAT )

New Delhi,

**Dated: June 03, 2020**

ITEM NO.17

Virtual Court 6

SECTION XII-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 6849/2020

(Arising out of impugned final judgment and order dated 22-05-2020 in WPPIL No. 110/2020 passed by the High Court Of Andhra Pradesh At Amravati)

THE STATE OF ANDHRA PRADESH &amp; ORS.

Petitioner(s)

VERSUS

SURYADEVARA VENKATA RAO &amp; ANR.

Respondent(s)

( IA No. 49578/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 49576/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)

Date : 03-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE KRISHNA MURARI  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. P.S. Narasimha, Sr. Adv.  
Mr. G. N. Reddy, AOR

For Respondent(s) Mr. Guntur Pramod Kumar, AOR (Caveat)

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal stands disposed of accordingly. Pending application(s), if any, shall stand disposed of.

(GEETA AHUJA)  
COURT MASTER (SH)

(ANAND PRAKASH)  
BRANCH OFFICER

(The Signed Order is placed on the file)