

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

C.C. No.134 of 2014

Between:

Chode Venkat Rao ... Petitioner

And

Mr.Neetu Kumar Prasad,

District Collector,

Kakinada, East Godavari District and others.... Respondents

JUDGMENT PRONOUNCED ON 01.10.2015

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? :

2. Whether the copies of judgment may be
marked to Law Reporters/Journals. :

3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? :

THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

C.C. No.134 of 2014

ORDER:

Heard the learned counsel.

This contempt case has been filed complaining that the order passed by this Court on 02.01.2013 in W.P. No.23369 of 2004 has not been complied with.

As could be seen, this Court on 02.01.2013 disposed of the W.P. No.23369 of 2004 with a direction to the respondents to consider the case of the petitioner to handover the physical possession of the site, stated to have been allotted in his favour, by demarcating the same and pass appropriate orders, in accordance with law, within a period of two months, from the date of receipt of a

copy of the order.

Complaining that the said order has not been complied with,
the petitioner filed the present contempt case.

On behalf of the respondent, counter affidavit has been filed,
inter alia, stating that in compliance of the order passed by this Court alternative land
measuring 537.10 square meters in Survey No.1985/3A3 at Sambamurthy Nagar,
Kakinada was demarcated for allotment to the petitioner, but the petitioner is not
coming forward to take possession of the same.

At this stage, when the matter was taken up on 31.10.2014,
the learned counsel for the petitioner sought to submit that no notice or intimation
was given to the petitioner requiring him to be present for the purpose of taking
possession of the land sought to be allotted to him. Thereupon, this Court directed
the respondent authorities to give intimation to the petitioner asking him to present
on a particular date and on which date, the authorities may take steps to deliver the
physical possession of the allotted land. Thereafter, accordingly, steps were taken to
intimate the petitioner and survey of the land was conducted, in the presence of the
petitioner, to deliver the possession of the same.

On 28.11.2014, the learned counsel for the petitioner submitted that the land, which
was shown to the petitioner, is not at all useful as it is adjacent to the seashore and
with full of water and it cannot be used for any purpose particularly for construction
whereas, the authorities have taken his fully developed land, for which, the learned
Government Pleader sought time to file additional counter. Thereafter, additional
counter was filed, *inter alia*, stating that pursuant to the orders of this Court, the
petitioner was taken to the land, sought to be allotted to him, and he rejected to take
possession of the same. It is also specifically stated that except the said land there is
no other alternative Government land is available.

At this juncture, it is to be noted that the petitioner filed the writ petition questioning

inaction on the part of the respondents in allotting alternative land to him in lieu of the land surrendered by him and this Court, while disposing of the writ petition, passed direction as noted hereinabove. Complaining that the said direction has not been complied with, present contempt has been filed.

Since it is categorical averment of the respondent that in lieu of the land surrendered by the petitioner, they have allotted alternative land in T.S. No.1985/3A3, to an extent 537.10 square meters and the petitioner rejected to receive the same. The contention of the petitioner was that the land sought to be allotted to him was not useful and submitted to allot some other land for which, categorical averment of the respondent is that except the land that was sought to be allotted to the petitioner there is no other land is available.

In that view of the matter, since the power of this Court in contempt cases was only to determine that; *is there any wilful disobedience of the order of this Court?* and in the instant case, I do not find any wilful disobedience of the order passed by this Court and the only grievance of the petitioner is that the land allotted to him was not suitable for which, this Court cannot go into.

With the above, this contempt case is closed. There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

Date: 01.10.2015

LSK

