

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**FRIDAY, THE TWENTY SEVENTH DAY OF FEBRUARY TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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CONTEMPT CASE No.1849 of 2014

Between:

J. Mohammed Ghouse,
S/o. Late Jalna Khawja Mian,
Aged about 58 years,
Occ: Business,
H.No.1-5-6/13/1, Krishna Colony,
Musheerabad, Hyderabad – 500 028.

Petitioner

AND

Mr. Chandraiah,
S/o. not known to the petitioner,
Occ: Special Deputy Collector,
Land Acquisition,
Greater Hyderabad Municipal Corporation,
Hyderabad.

.. Respondent

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1849 of 2014

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ORDER:

The W.P.No.8981 of 2014 was disposed of by order, dated 07.07.2014, directing the Special Grade Deputy Collector, Land Acquisition, to hold enquiry under Section 5A of the Land Acquisition Act, 1894 (for short, 'the Act'), by giving due opportunity to the petitioner, consider his objections and shall pass orders thereafter. The petitioner was also directed to cooperate and shall appear on the date fixed with all relevant material.

2. Alleging that the orders of the Court, dated 07.07.2014, in W.P.No.8981 of 2014 are not complied with, this contempt is filed.

3. The Special Deputy Collector and Land Acquisition Officer, Greater Hyderabad Municipal Corporation, Metro Rail Project, Hyderabad, filed counter affidavit. Along with the counter affidavit, a notice, dated 10.11.2014, is enclosed which was issued under Section 5A of the Act directing the petitioner to appear before him on 26.11.2014. It appears that the petitioner has submitted his representation requesting to defer conducting of Section 5A enquiry till the disposal of the contempt case.

4. Learned Assistant Government Pleader also circulated a note, dated 07.01.2015, given by the petitioner to the Special Deputy Collector, Land Acquisition, Greater Hyderabad Municipal Corporation, Hyderabad, wherein he also states that appropriate orders be passed after the disposal of the contempt. The grievance in the writ petition was that the mandate of the Land Acquisition was not complied. Having noticed the same, the Court directed conducting of enquiry under Section 5A of the Act by giving due opportunity to the petitioner. As the issue of acquisition was pending for long time, time schedule was fixed.

5. Learned Assistant Government Pleader, on instructions, submits that in view of the orders passed by this Court in this writ petition, no further action was taken, whereas with reference to other properties, award was passed on 21.01.2015 and passing of award was deferred in view of the pendency of the contempt case.

6. The attitude of the Land Acquisition Officer in not complying with the directions issued by this Court regarding the time schedule is highly deprecated. This Court expects that at least in future, the Land Acquisition Officer shall be careful in complying with the orders of the Court. If there is any difficulty in complying with the time schedule, he shall always approach the Court seeking extension of time, but cannot keep quiet and postpone the issue without complying with the directions of the Court.

7. Sofar as the contempt proceedings are concerned, since no adverse decision is taken against the petitioner and the

process as directed by this Court was already set in motion, I do not see any justification to proceed against the respondent under the Contempt of Courts Act, 1971.

8. The Contempt Case is, accordingly, closed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

P.NAVEEN RAO,

J

Date: 27th February, 2015

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Date: 27th February, 2015

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