

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

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For the State of Telangana and the State of Andhra Pradesh

MAIN CASE NO: C.C.NO.2111 OF 2014

AND

C.C.(SR) No.7650 OF 2014

C.C.NO.2111 OF 2014

Between:

Y.Pandarinath and another

.. Petitioner(s)/

Petitioner No.13 and 39

And

Mr.Kishan and another

.. Respondent(s)

C.C.(SR).NO.7650 OF 2014

Between:

V.Gopala Krishna Reddy and others

.. Petitioner(s)/

Petitioners 34, 36, 41, 50 and 51

And

Mr.Kishan and another

.. Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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|---|--------|
| 1. Whether Reporters of Local news papers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

C.C.NO.2111 OF 2014

AND

C.C.(SR) No.7650 OF 2014

COMMON ORDER :

This Court disposed of Writ Petition Nos.3949, 3951 and 3952 of 2014 by common order dated 07.04.2014 setting aside the order of the District Collector made under Section 5(A) of the Land Acquisition Act (repealed) (for short 'the Act) and remitted the matter to the District Collector to pass fresh orders after supplying the relevant documents including the report of the Executive Engineer (R&B), which was the basis for the decision taken by the District Collector. Further directions were issued in the matter of conducting enquiry under Section 5(A) of the Act.

As noticed from the common order, the writ petitions arise out of the proceedings initiated under the repealed Land Acquisition Act to acquire the properties belonging to the petitioners as part of the decision of the respondent authorities to construct road over-bridge at the concerned place.

Alleging that the orders of this Court in the writ petitions are violated and the respondent authorities are continuing to undertake construction of road over-bridge, these contempt cases are filed.

In the counter affidavit filed on behalf of the respondents, it is averred that in view of coming into force Act 30 of 2013 with effect from 1.1.2014 issue of acquisition of private properties is not finalised and necessary action would be taken at appropriate time, if the land is required. It is further averred that for the present, the respondents are constructing road over-bridge in 30' width on the

existing 50' road leaving 10' on either side of the road. It is also further averred that earlier the construction of the road over bridge was subject matter of W.P.No.25507 of 2012. This Court after considering the rival submissions passed order on 06.03.2014 in W.V.M.P.No.2157 of 2013 in the said writ petition holding that there is no illegality or irregularity in construction of 30' wide road over bridge on existing 50 feet road. The Court rejected the contention of the petitioners therein on construction of such road over bridge.

Thus, *prima facie*, the contention alleged by the learned counsel for the petitioners that even by constructing the present road over bridge violates the orders passed by this Court on 07.04.2014 is not valid. Land Acquisition proceedings are not finalised so far and it stands at the stage of Section 5-A. If road over bridge is constructed without acquiring petitioners' land it would be a different cause of action. Thus, in the facts of this case, it cannot be said that respondent No.5 has violated the orders of this Court deliberately and wilfully warranting initiation and continuation of contempt proceedings.

These contempt cases are accordingly dismissed. It is open to the petitioners to work out their remedies on the construction of road over bridge, if so advised.

Pending miscellaneous petitions in these contempt cases, if any, shall stand dismissed.

P.NAVEEN RAO, J

14.08.2015
kvrm

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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**C.C.NO.2111 OF 2014
AND
C.C.(SR) No.7650 OF 2014**

DATE: 14.08.2015

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