

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE NO.1834 OF 2013

DATED 2nd JULY, 2015

Between:

M. Venkat Ram Reddy .. Petitioner

and

M. Ravinder and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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CONTEMPT CASE NO.1834 OF 2013

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ORDER

This contempt case was instituted alleging willful disobedience to the interim order dated 12.08.2013 passed by this Court in

W.P.M.P.No.29036 of 2013 in W.P.No.23625 of 2013.

The Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh, Hyderabad, and the Joint Sub-Registrar, Vallabhnagar, Ranga Reddy District, were the respondents in the said writ petition at that point of time. The said writ petition was filed assailing the action of the Joint Sub-Registrar, Vallabhnagar, Ranga Reddy District, in registering the deed of revocation dated 13.05.2013 whereby the release deed dated 02.07.2004 executed in favour of the petitioner was revoked. A consequential direction was sought to set aside the said registered deed of revocation. By way of W.P.M.P.No.29036 of 2013 filed in said case, the petitioner sought suspension of the registered revocation deed dated 13.05.2013 pending disposal of the writ petition. The interim order dated 12.08.2013 passed in the said W.P.M.P. reads as under:

‘In the light of the interim orders granted by a Division Bench of this Court in W.P.No.3588 of 2013, which is similar in nature, there shall be a direction to maintain status quo with regard to the property which is the subject matter of the Revocation Deed bearing No.3676/2013.’

The revocation deed dated 13.05.2013, bearing Document No.3676/2013, related to Plot Nos.22 and 23 in Sy.Nos.403 and 404, admeasuring 200 square yards, situated at Kanajiguda, Alwal Village, Malkajgiri Mandal, Ranga Reddy District.

This contempt case was however not instituted against the parties to the said order. Contempt Application No.933 of 2013 was filed by the petitioner seeking leave to initiate contempt proceedings against persons who were not parties to the order dated 12.08.2013 on the ground that they were violating the *status quo* order passed by this Court. Leave was granted on 10.10.2013 and six persons were arrayed as the respondents in this contempt case. According to the ‘better affidavit’ dated 04.12.2013 filed in support of this contempt case, the said respondents were trying to occupy Plot Nos. 22 and 23 and make constructions thereon in violation of the *status quo* order passed by this Court.

Sri T. Viswanadha Sastry, learned counsel, entered appearance for respondents 2, 3, 4 and 6 and Sri V. Praveen Kumar, learned counsel, filed his vakalat for the first respondent. Respondent No.5, despite service of notice, did not enter appearance through counsel.

Upon exchange of affidavits by and between the parties, this Court found that there was no consensus as to as to who was in possession of Plot Nos.22 and 23 and the very existence of these plots was contested. Sri G. Kalyan Chakravarthy, Advocate, was therefore appointed as a Commissioner by this Court on 07.11.2014 to verify the existence and status of the plots in question and submit a report. He was given liberty to take the assistance of the survey authorities and determine the existence and location of the subject plots and the house property situated therein on the basis of the approved layout. He was also asked to verify as to whether any construction had been made in the subject property and if so, ascertain the date of such construction.

Thereupon, the Advocate Commissioner filed his final report dated 27.01.2015. Perusal thereof reflects that the Commissioner could not obtain an approved layout from the authorities in relation to the subject plots. In the absence of such a layout, he stated that he went about identification of the plots on the ground basing upon the registered documents, along with the survey authorities. On the basis of such identification, he opined that some construction seems to have been made in what was found to be Plot No.22 and that the age of such construction was nearly 11 months or more. Plot No.23 was stated to be open land covered by shrubs and grass. Objections were filed by Sri T. Viswanadha Sastry, learned counsel, to the aforestated final report.

Heard Sri R. Dheeraj Singh, learned counsel for the petitioner, and Sri T. Viswanadha Sastry, learned counsel for respondents 2, 3, 4 and 6.

In the light of the above facts, this Court is unable to come to any conclusion as to the existence of Plot Nos.22 and 23 as no official layout was made available by the authorities to the Advocate Commissioner. Though Sri R. Dheeraj Singh, learned counsel, would contend that there is a Gram Panchayat layout dating back to the year 1968, the Advocate

Commissioner could not get any confirmation from the authorities as to its veracity. Further, in the light of the arguments advanced by Sri T. Viswanadha Sastry, learned counsel, a fundamental question arises as to what was the scope of the *status quo* order passed by this Court, willful disobedience to which is now alleged.

As stated earlier, the challenge in W.P.No.23625 of 2013 was only to the registration of a revocation deed. The interim prayer therein was to suspend the operation of such document. The issue of possession over the property which was the subject matter of the said document did not arise for consideration at all in the writ petition. In fact, the respondents in the present contempt case were not parties to the writ petition. Except the registration authorities, the petitioner therein did not choose to implead even the executant of the revocation deed. The interim order passed by this Court, in the context of the controversy raised in the writ petition, was that *status quo* should be maintained as regards the property that was the subject matter of the said revocation deed. This order would necessarily have to be understood apropos the *lis* between the parties to the writ petition. As the complaint of the petitioner was that the registration authorities had registered a document cancelling the earlier release deed executed in his favour, the direction to such registration authorities to maintain *status quo*, in the context of the property which was the subject matter of the said revocation deed, would be that they should not entertain any further documents for registration in relation thereto or alter the position as obtaining in the registration records. The question of possession was never in issue and the *status quo* order would not cover that aspect of the matter.

It is also significant to note that this Court granted the order of *status quo* basing upon the interim order passed by a Division Bench of this Court in W.P.No.3588 of 2013. The said order dated 14.02.2013 passed in W.P.No.3588 of 2013 is available on record and reflects that the *status quo* therein was with regard to the cancellation deed which was the subject matter of that writ petition. In that view of the matter, the order of

status quo passed by this Court in W.P.M.P.No.29036 of 2013 in W.P.No.23625 of 2013 would necessarily have to be read in the context of the dispute raised in the said writ petition and cannot be given a wider meaning so as to take within its ambit the aspect of possession also.

Further, as stated above, the issue of possession is contested and the very existence of the plots in question is also disputed. Such disputed questions of fact cannot be determined by this Court in exercise of contempt jurisdiction.

Given the aforestated facts, this Court finds that there is no disobedience to the order of *status quo* passed in W.P.M.P.No.29036 of 2013 in W.P.No.23625 of 2013 by the respondents herein as there is no allegation to the effect that they have knowingly registered any document in relation to the property which is the subject matter of the revocation deed bearing No.3676/2013 after passing of the *status quo* order.

The contempt case is therefore dismissed. No order as to costs.

SANJAY KUMAR,J

2nd JULY, 2015

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