

THE HON'BLE SRI JUSTICE K.C. BHANU
AND
THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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CONTEMPT CASE No.909 OF 2013

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ORDER:(per Hon'ble Sri Justice K.C. Bhanu)

This Contempt Case, under Sections 10 to 12 of the Contempt of Courts Act, 1971 (for short, 'the Act') is filed to punish the respondents herein for violation of the Order, dated 18.02.2013, in A.S.M.P.No.283 of 2013 in A.S.No.10 of 2009 passed by this Court, whereunder and whereby, respondents herein were permitted to lease out the suit land only for the purpose of grazing and breeding of the animals and pending appeal, they shall not alienate or encumber or enter into any agreements and shall not make any constructions therein.

2. In the affidavit filed in support of the petition, it is stated that on 27.03.2013 on the day of Holi festival, the petitioners were informed by herdsmen that the respondents herein had cut trees in the said subject land. On the same day they visited the said land and had seen that huge number of big trees like neem, teak, thumma (Indian Arabic gum tree), Ippa (south Indian Butter tree) etc., in major extent of the subject land have been cut. By noon, they have taken photographs of few trees which are cut and stocked.

3. Respondent No.1 filed counter affidavit on behalf of all the respondents stating that they are residents of Secunderabad; that as it is not possible for them to go all the way to the subject land, they requested one Ramesh Goud, who is a resident of Sivampet, to

take care of the land, so that there are no unauthorised encroachments into the land; that they are not aware of cutting of the trees and after seeing the photographs enclosed to the contempt case, they rushed to the land and Ramesh Goud informed that he was not aware of the fact of cutting of trees by the third parties; that as the subject land is adjacent to the forest land situated at Narsapur village, there are instances of unauthorised cutting of wood, especially as there is no fencing to the subject land, which is an extent of Acs.25.00 Gts., and also instructed Ramesh Goud to see that no such acts of cutting of the trees so far as the subject land is concerned and also he lodged a complaint with the police.

4. There is no material on record to show that the respondents herein violated the order of this Court. Since the respondents are also not aware of cutting of the trees by the miscreants for the purpose of firewood, it cannot be said that there is a wilful disobedience of the order of this Court. As there is no material to show that the respondents cut the trees in the subject land, it cannot be said that they are liable for punishment under the Contempt of Courts Act. As there is no violation of orders of this Court, the question of punishing the respondents does not arise. Therefore, the contempt case is devoid of merit and the same is liable to be dismissed.

5. Accordingly, the Contempt Case is dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this contempt case shall stand closed.

JUSTICE K.C. BHANU

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JUSTICE M.SEETHARAMA MURTI

Date:19.02.2015
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