

THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY THIS THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND FIFTEEN

PRESENT

**THE HON'BLE MR JUSTICE A.RAMALINGESWARA
RAO**

-
CONTEMPT CASE No.1752 of 2014
in
WRIT PETITION No.14103 of 2010

Between:
Mudundi Konda Raju

..... PETITIONER

AND
A.Bharath Kumar and another

.....RESPONDENTS

The Court made the following:

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA
RAO**

**CONTEMPT CASE No.1752 of 2014
in
WRIT PETITION No.14103 of 2010**

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ORDER:

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This contempt case is filed alleging non-implementation of the order in W.P.No.14103 of 2010, dated 04.12.2013.

This Court by order dated 04.12.2013 passed the following order:

In view of the liberty given by this Court in W.P.No.1322 of 2008 dated 29.01.2008, an enquiry was conducted by the 1st respondent and the impugned order read with the record reveals that no fair opportunity was given to the petitioner and the decision was based on the information furnished by the District Collector, Visakhapatnam which information was obtained behind the back of the petitioner. Even in respect of administrative decisions, fairness is expected and the decision of the 1st respondent is vitiated on this ground. Consequently, the order of the 1st respondent in A.R.No.7 of 2009 dated 14.06.2010 is liable to be set aside and accordingly the same is set aside.

In view of the liberty given by this Court in W.P.No.1322 of 2008 dated 29.01.2008, without expressing any view on this merits of the case, the Chief Conservator of Forests, Visakhapatnam, is directed to conduct an enquiry in the matter pursuant to the representations submitted by the petitioner on 08.02.2008 and 19.05.2008 giving due opportunity to the petitioner and pass appropriate orders thereon. If the Chief Conservator of Forests, Visakhapatnam, intends to rely on any document of the Revenue Department or

from his own Department a copy of the same may be furnished to the petitioner and his version may be obtained on the said documents. The Chief Conservator of Forests, Visakhapatnam may also make personal inspection of the property in dispute and take the explanations of the officers of the Survey and Land Records Department for conducting survey in this regard and conclusively take a decision in respect of the grievance of the petitioner. The entire exercise shall be completed within a period of three (03) months from the date of receipt of copy of this order and a copy of the same may be communicated to the petitioner and to this Court.

Accordingly, the Writ Petition is disposed of. No order as to costs. Till decision is taken with regard to possession of the land admeasuring Ac.48.65 cents in survey No.35 of Kommadi village, Chinnagadili Mandal, Visakhapatnam, the status quo granted by this Court on 02.07.2010 shall continue.

Now it is represented by the learned Government Pleader that pursuant to the said order, enquiry was conducted and an order was passed on 06.02.2015 by the Conservator of Forests, Visakhapatnam and the same was communicated to the petitioner.

It is submitted by the learned counsel for the writ petitioner that while conducting such enquiry, the Conservator of Forests violated the orders of *status quo*, granted by this Court and he tried to support his contention by the averments made in the counter affidavit filed by the respondents.

A *prima facie* reading of the said averments do not expose that the possession of the petitioner was disturbed or violated. Now, since the respondents have passed an order pursuant to the order of this Court dated 04.12.2013, it is open for the petitioner to pursue his remedies, in accordance with law. This Court does not feel that the orders of *status quo* are violated giving raise to file a contempt case.

The Contempt Case is accordingly dismissed, giving liberty to

the petitioner to pursue his remedies. However, in order to enable the petitioner to pursue his remedies as against the order dated 06.02.2015, the order of *status quo*, granted in the writ petition, shall continue till 15.04.2015.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

A.RAMALINGESWARA RAO,J

Date: 20.03.2015

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