

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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CONTEMPT CASE No.774 OF 2013

ORDER:

This is an application filed under Article 215 of the Constitution of India read with Sections 10 and 12 of the Contempt of Courts Act, seeking to punish the respondents herein for committing contempt of Court orders dated 02.01.2013 passed in W.P.M.P.No.214 of 2013 in W.P.No.164 of 2013.

Main writ petition has been filed, seeking a direction to the respondents not to interfere with the rights of the petitioners or take up any type of road work in the subject property without initiating land acquisition proceedings and without paying compensation to the petitioners.

This Court, while ordering Rule Nisi on 02.01.2013, in W.P.M.P.No.214 of 2013 passed an order, which reads as under:

“The petitioners have furnished the particulars of proceedings that ensued in respect of their lands. W.P.No.5480 of 1997 was filed, when the Municipal Corporation demolished part of their properties for the purpose of widening of the road. The writ petition was allowed on 03.03.2003, leaving it open to the Corporation to acquire the effective portion. Notifications were issued under the Land Acquisition Act in the year 2004, but they lapsed, on account of the fact that awards were not passed. As recently as in the year 2009, the Revenue Divisional Officer addressed a letter to the District Collector to issue revised notifications. No further steps have taken thereon. The petitioners complain that the respondents 2 and 3 are trying to lay road upon their property.

Learned Government Pleader, on instructions from the 3rd respondent, submits that the existing road is being strengthened. However, unless the area is handed over by the competent authority, that too, after acquisition, as directed by this Court, respondents 2 and 3 cannot undertake any work upon the land.

Hence, there shall be interim direction, as prayed for.”

Alleging violation of the said order passed by this Court on 02.01.2013, the present contempt case No.774 of 2013 has been instituted. In the counter affidavit deposed by the first respondent it is stated that subsequent to the orders of this Court respondents have not taken up any work and due to the non- completion of the road work, the public are facing much inconvenience to pass through on the incomplete road. A reading of the pleadings available on record *prima facie* discloses that the grievance preciously in the present writ petition is that without initiating any proceedings under Land Acquisition Act and without paying any compensation to the petitioners the respondent authorities are attempting to lay the road through their private properties. A photograph, showing the incomplete laying of road is also placed on record by the learned Government Pleader, taken on 19.01.2015.

Today when the matter is taken up, letter bearing Rc.No.F/C/2001/2004 dated 23.01.2015 addressed by the Revenue Divisional Officer, Warangal to the office of the Government Pleader is placed on record by the Government Pleader, wherein it is stated that the District Collector, Warangal has convened a meeting on 19.01.2015 with the Commissioner, Warangal Municipal Corporation, Warangal, Superintendent Engineer R & B Warangal, Land Acquisition Officer & Revenue Divisional Officer, Warangal along with petitioners and issued instructions to settle the land compensation to the petitioners either by way of private negotiations or by way of passing of award as per the Land Acquisition Act within a period of three(03) months and the process is in progress. On noticing the said instructions furnished by the Revenue Divisional Officer, Warangal, it is submitted by the learned counsel for the petitioner that in the event of the respondents proceeding in accordance with the said Land

Acquisition proceedings within the time mentioned above, the petitioners herein would not pursue the present contempt case.

In view of the said submission made by the learned counsel for the petitioner, the present contempt case No.774 of 2013 is closed and the respondents herein stand discharged.

JUSTICE A.V.SESHA SAI

27.01.2015
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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