

THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN

Contempt Case No.2178 of 2013

ORDER:

This contempt case is filed alleging violation of the order passed by this Court in W.P.No.36388 of 2012 dated 29.11.2012. By the said order, this Court directed the respondents to initiate proceeding for eviction of the encroachers in accordance with the provisions of the A.P. Land Encroachment Act, 1905 within a period of three months from the date of receipt of a copy of the order. It was, however, made clear that assignment of the aforesaid extent of land, if any made later, shall be strictly in accordance with law.

Alleging that the encroachments have not been removed, the petitioner filed the present contempt case. Initially, a counter affidavit was filed by the 1st respondent stating that encroachments were removed and the entire land, of an extent of Acs.20.00 along with Acs.2.00 of lemon trees, was taken possession of. Thereafter, another counter affidavit was filed by the 2nd respondent stating that there are no encroachments as alleged by the petitioner; the entire land is vacant; even the lemon plants have been uprooted; there are no plants, whatsoever, on the subject land; and the land in question, which is a hill poramboke, is in the custody of the Government as on date.

Sri P.Sree Ramulu Naidu, learned counsel for the petitioner, would contend that the very fact that the counter affidavit filed by the 1st respondent dated 24.12.2013 shows that the possession of lemon trees in Acs.2.00 was taken, and the subsequent counter affidavit filed on 06.02.2015 shows that the lemon trees were destroyed thereafter, would require the respondents to produce evidence before this Court regarding maintenance of the lemon trees by the Government. The order of this Court merely required the

respondents to remove the encroachments. There is no order directing them to destroy the trees. Whether the respondents maintained the lemon trees, before they were destroyed, or not are all matters extraneous to these contempt proceedings.

Sri P.Sree Ramulu Naidu, learned counsel for the petitioner, requests a week's time to file reply. The counter affidavit of the 2nd respondent was served on him as early as on 04.02.2015, and more than a month and half has elapsed since then. I see no reason to now accede to the request of the learned counsel for the petitioner for grant of time to file a reply.

In the counter affidavits, filed by respondents 1 and 2, it is stated that the encroachments have been removed. It is evident therefrom that the order of this Court has been complied with. I see no reason, therefore, to proceed against respondents 1 and 2 under the Contempt of Courts Act.

The Contempt Case is accordingly closed. Contempt Applications pending, if any, shall also stand closed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

27th March 2015.
JSU

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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Date: 27.03.2015

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