

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

CONTEMPT CASE No.1179 OF 2015

Between:

Shaik Shabirunnisa

....Petitioner

And

Smt Ch. Padmavathi and another

....Respondents

DATE OF JUDGMENT PRONOUNCED:28.08.2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.1179 OF 2015

ORDER:-

This Contempt Case is filed under Sections 10 to 12 of Contempt of Courts Act, 1971, to punish the respondents for wilful disobedience of the order dated 13.04.2015, passed by this Court in W.P.No.8928 of 2015.

A counter-affidavit has been filed by the 1st respondent-Tahsildar stating that the order dated 13.04.2015, passed by this Court in W.P.No.8928 of 2015, has been complied with.

The operative portion of the order dated 13.04.2015, passed by this Court in W.P.No.8928 of 2015, reads as under:

“Having considered the rival submissions and taking into consideration the assurance of the respondent authorities through the learned Government Pleader that the petitioner’s possession and enjoyment will not be interfered with, in any manner, without following due process of law as applicable, the writ petition can be disposed of with a direction to the respondent authorities to give adequate notice and opportunity to the petitioner, in accordance with law, in case they desire to resume the land in question.

Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.”

The contention of the learned counsel for the contempt petitioner is that the endorsement dated 23.06.2015 of the 1st respondent-Tahsildar, does not satisfy the requirement of making an order taking steps in accordance with law.

As can be seen from the material placed by the learned counsel for the petitioner pursuant to the order dated 13.04.2015, passed by this Court in W.P.8928 of 2015, the petitioner was directed to produce the material before the 1st respondent-Tahsildar, to support her case and thereafter the petitioner submitted a representation on 15.06.2015 to the 1st respondent-Tahsildar and the 1st respondent by his order dated 23.06.2015, rejected the request of the petitioner and ordered to resume the tank poramboke land measuring an extent of Acs.2.59 cents in S.No.347 of Medikondur Village for its development in the larger interest of the public.

The learned counsel for the petitioner further submits that making an endorsement of this nature cannot be termed as an order made pursuant to the order dated 13.04.2015 of this Court. Learned counsel also contends that neither the order nor the endorsement dealt with any of the contentions raised

by the petitioner.

On the other hand, learned Government Pleader for Revenue (A.P) submits that the merits of the order dated 13.04.2015 cannot be canvassed before this Court as pursuant to the said, the resumption orders were passed and the land has been resumed pursuant to the order dated 23.06.2015 of the 1st respondent-Tahsildar.

Having regard to the facts and circumstances of the case, I am unable to accept the contention of the learned counsel for the petitioner that there is any violation on the part of the respondents. Further, pursuant to the order dated 13.04.2015 passed by this Court, a notice dated 11.06.2015, has been issued by the 1st respondent-Tahsildar to the petitioner alleging that the petitioner has encroached into the Tank Poramboke land and further stated that it is required for the public purpose. In such circumstances, it cannot be said that there is any violation on the part of the respondents in complying the order dated 13.04.2015, passed by this Court. However, this Court is not inclined to express any opinion with respect to the merits of the order dated 23.06.2015, passed by the 1st respondent-Tahsildar, as the limited issue before this Court is only as to whether there is any wilful disobedience of the orders of this Court. On facts, there is no disobedience in view of the orders dated 23.06.2015 passed by the 1st respondent-Tahsildar in compliance with the orders of this Court. However, it is left open to the petitioner to initiate any proceedings, as may be advised, to challenge the order and endorsement dated 23.06.2015 of the 1st respondent-Tahsildar, in accordance with law.

Accordingly, the Contempt Case is closed. No order as to costs.

CHALLA KODANDA RAM,J

Date:28.08.2015.

Gk

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Date:28.08.2013

Gk.