

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Contempt Case No.422 of 2015

Dated 24.07.2015

Between:

Bondada Kondala Rao

... Petitioner

and

K.Pradha Saradhi and 2 others.
Zonal Manager, APIIC,
Visakhapatnam and 2 others

...Respondents

Counsel for the petitioner: Mr.K.Sarvabhouma Rao

Counsel for respondents 1 & 3: Mr.P.Roy Reddy, SC for APIIC

Counsel for respondent No.2: Mr.G.Maloji Rao

The Court made the following:

Order:

This Contempt Case is filed alleging wilful disobedience of Order, dated 18-12-2014, in WPMP.No.36773 of 2014 in WP.No.29419 of 2014, by the respondents.

The petitioner herein filed the above-mentioned Writ Petition feeling aggrieved by the interference with his possession of Acs.0-99 cents

of land in Survey No.42/2 A of Duvvada Village, Gajuwaka Mandal, Visakhapatnam District, by the Andhra Pradesh Industrial Infrastructure Corporation Limited (APIIC) and the APIIC Employees House Building Mutually Aided Co-operative Society (for short 'the MACS'). In W.P.M.P.No.36773 of 2014, the petitioner sought for a direction to respondent Nos.1 and 2 not to interfere with his possession and enjoyment of the said land. This Court, by Order, dated 18-12-2014, granted the interim order as prayed for. Alleging that the said order is violated by the respondents, the petitioner filed this Contempt case.

On behalf of the respondents, separate counter-affidavits have been filed. All the respondents have denied violation of the interim order by maintaining that the petitioner has never been in possession of the subject land.

A perusal of the photographs filed by the petitioner shows that a Board was erected in the subject land wherein it is written that the land belongs to the MACS and a JBC was also deployed purportedly on 23-01-2015.

As regards respondent Nos.1 and 3, who are

the officials of APIIC, it defies any logic and reason to think that they have erected the Board on behalf of the MACS. As the land was stated to have been handed over to the MACS, it is presumable that the said Society has erected the Board. It is the case of respondent No.2 as pleaded by his Counsel that the Board was erected as far back as the year 2010 and that nothing was done to violate the interim order of this Court after 18-12-2014. The learned Counsel for respondent No.2 has also denied deployment of JBC and made a positive statement that the subject land is vacant and that no further activity will be undertaken till appropriate order in WPMP.No.36773 of 2014 and/or WP.No.29419 of 2014 is passed.

In the light of the above facts and by placing on record the above noted statement of the learned Counsel for respondent No.2, the Contempt Case is closed and the contemnors are discharged from the contempt proceedings.

(C.V.Nagarjuna Reddy, J)

Dt: 24th July, 2015
LUR