

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

FRIDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

C.C. No.927 of 2014

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Between:

G.Veerabadraiah

... Petitioner

And

D.Srikanth Reddy and others

... Respondents

THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

C.C. No.927 of 2014

ORDER:

This contempt case has been filed complaining that the respondents are wilfully and wantonly not implementing the orders passed by this Court in W.P. No.10645 of 2010 on 21.10.2013 and therefore, to punish the respondents under the provisions of Contempt of Court Act.

Brief facts are that the petitioner filed W.P. No.10645 of 2010 seeking to declare the action of the respondents in occupying the land of the petitioner without following law or procedure prescribed for it as illegal, arbitrary and violative of the Article 300-A of the Constitution of India and consequently to direct the respondents to return the land of the petitioner to the extent of the 0.08 cents in Survey no.86/2 or pay the compensation according to the market value.

This Court on 21.10.2013, while disposing of the writ petition, directed the respondents to consider the representation dated 26.06.2011 filed by the petitioner for allotment of alternative land to the extent of Ac.0.08 cents situated in front of electrical office or alternatively to pay compensation based on the present market value, within a period of two months from the date of receipt of a copy of the order.

Complaining that the said order has not been implemented by the respondents and it amounts to violation of the orders passed by this Court.

On behalf of the respondents 1, 2 and 3 separate counter affidavits have been filed.

The learned counsel appearing for the petitioner submits that the land, which was sought to be given by the respondents is not at all useful therefore, they may be directed to give some other alternative land to the petitioner.

On the other hand, the learned counsel appearing for the respondents submitted that in compliance of the order passed by this Court, representation dated 26.06.2011 of the petitioner has been considered and passed Roc.No.216/2010 dated 15.02.2014, which reads as under:

“Sri. G.Veerabadraiah, D.No.1/486, Indira Nagar, Ananthapuramu is hereby informed that, you are alleged that the Agrl.Market Committee has occupied your land of 0.08 cents in survey No.86/2 in Market Yard, Ananthapuramu duly construction of the compound wall. Therefore your requested to provide the land beside the Electricity sub-station. In this connection, your are informed that the land beside Electricity sub station is kept for the construction of Farmers Rest office and Farmers Library.

In respond to orders of Hon'ble High Court, Hyderabad in reference 1st cited, and based on survey report of Thasildar, Ananthapuramu vide reference 3rd cited,. The Agrl.Market Committee, Ananthapuramu is willing to hand over the 0.08 cents of land in survey No.86/2A to you as per procedure in vogue.

This is for information.”

As could be seen from the Roc.No.216/2010, dated 15.02.2014, it is categorically mentioned that the said letter was issued in compliance of the order passed by this Court on 21.10.2013.

In that view of the matter, I do not see any reason to say that the respondents have violated the orders passed by this Court and therefore, this Contempt Case is liable to be dismissed and accordingly, dismissed. However, the petitioner is given liberty to question the validity of the Roc.No.216/2010, dated 15.02.2014, if so advised. There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

Date: 27.02.2015

LSK