

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

Contempt Case No.161 of 2015

—

Dated 10.04.2015

—

Between:

Smt.T.Rajyalakshymi and another

...Appellants

and

Sri Pushpavardhan and another

...Respondents

Counsel for the Appellants: Mr.M.Karuna Sagar

Counsel for Respondent No.1: GP for Arbitration (AP)

Counsel for respondent No.2: Smt.K.Lalitha

The Court made the following:

Order:

This Contempt Case is filed alleging willful disobedience of

order, dated 27-12-2012, in CMAMP.No.2512 of 2012 in CMA.No.1328 of 2012, by the respondents.

In the manner, this Contempt Case is proposed to be disposed of, it is not necessary to deal with the facts in detail. It will suffice to observe that the petitioner has complained of willful disobedience of the order of this Court referred to above whereby this Court has granted interim suspension of eviction award, dated 03-09-2012, in OA.No.3065 of 2010 (old O.A.No.38/2006) of DC- Vizag) on the file of the Andhra Pradesh Endowments Tribunal, Hyderabad, in respect of the land admeasuring Ac.0-21 cents in M.C.Bit Survey No.36 situated in Maharajupeta North Ward, Vizianagaram Mandal and Municipality, Vizianagaram District. The petitioners have alleged that, despite existence of the aforesaid interim order, on two occasions, the respondents have tried to interfere with their possession of the said land. In support of their plea, they have filed a copy of the press report, dated 15-01-2015, and also some photographs.

In the counter-affidavits filed by both the respondents, they have denied interference with the petitioners' possession of the aforesaid land. They have pleaded that respondent No.1 had issued Memo, dated 03-11-2014, for erecting five caution boards in respect of larger extent of vacant site in Survey No.36 and that this Memo was not referable to the land admeasuring Ac.0-21 cents belonging to the petitioners. It is their further pleaded case that the five caution boards directed to be erected, were not erected at the land being claimed by the petitioners.

A perusal of Memo, dated 03-11-2014, issued by respondent No.1 does not show that the land claimed by the petitioners and covered by the interim order of this Court was excluded. Moreover, as seen from the photographs, the sign board erected at their site by the petitioners, purporting to caution

the public against their attempt to interfere with their possession in future on account of existence of an interim order, is in torn condition, and the compound wall, stated to have been erected by the petitioners around their site, has been partly damaged at one place.

Though the circumstances *prima facie* support the version of the petitioners that the respondents have interfered with their possession, considering the fact that the respondents have denied any such interference and that they have also personally appeared on two occasions and tendered unconditional apologies in their counter-affidavits, this Contempt Case is closed and the contemnors are discharged.

(C.V.Nagarjuna Reddy, J)

Dt: 10th April, 2015

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