

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

C.C. No.1099 of 2012

Between:

Gnanananda Ashramam Sadhu Mutt
Venkojipalem Visakhapatnam,
Rep.by its Peetadhipathi Swamy Poornananda Saraswathi.
... Petitioner

And

Sri B.Ramanjaneyulu,
Commissioner, GVMC.,
Visakhapatnam.
... Respondent

JUDGMENT PRONOUNCED ON 14.12.2015

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THE HON'BLE SRI JUSTICE G. CHANDRAIAH

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? :
2. Whether the copies of judgment may be
marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? :

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

C.C. No.1099 of 2012

ORDER:

This contempt case has been filed seeking to punish the respondent for willful disobedience of the order of this Court dated 17.04.2012 passed in W.P. No.10780 of 2012 wherein and where under directed the respondent to follow the due process of law in the event of the petitioner's land is required for the purpose of laying the road.

Complaining that even in spite of the order of this Court, the officials of the respondent have once again interfered with the peaceful possession and enjoyment of the petitioner's land on 29.06.2012 and they have also burnt the grass in the subject land as also cattle shed and dug the pits in the land by using proclainers without giving any notice or opportunity to the petitioner and accordingly, violated the orders passed by this Court.

Denying the said averments, on behalf of the respondent, counter affidavit has been filed, *inter alia*, stating that ignorant of the order of this Court dated 17.04.2012 officials of the respondent called for tenders for providing burning platforms and CC approach road in Kotha Venkojipalem Bural Ground in Ward No.9 and entered into agreement with the successful bidder Sri Sailaxmi Mutually aided L.C. Co-operative Society Limited and issued work order dated 25.06.2012. In pursuance of the work order, the contractor commenced the work by leveling the land for formation of CC approach road to the burial ground.

At this stage, the petitioner submitted a representation duly enclosing the copy of the order dated 17.04.2012 passed by this Court with a request to comply with the Court orders. Immediately, after receiving the representation dated 29.06.2012, the respondent sopped the work. Further, the representation submitted by the petitioner dated 29.06.2012 has been disposed of by way of an endorsement dated 02.07.2012 informing the petitioner that further work has been stopped in obedience of the orders passed by this Court. Based on the counter averments, the learned counsel submitted that suppressing all the said facts, the petitioner filed this contempt case and requested to dismiss the contempt case.

Denying the counter averments, on behalf of the petitioner,
reply affidavit has been filed.

The main allegation of the petitioner in the instant case is that even in spite of the direction by this Court to the respondent to the effect that in the event of the petitioner's land is required for the purpose of laying the road, follow the due process of law, without complying the orders of this Court, the respondent officials have interfered with the peaceful possession and enjoyment of the petitioner's land for which,

the respondent narrated that without having knowledge of the order passed by this Court he entered into an agreement and issued work order and pursuant to which, contractor commenced the work.

At this stage, it is stated that the petitioner submitted a representation dated 29.06.2012, duly enclosing a copy of the order passed by this Court, and immediately after receiving the petitioner's representation stopped the work and the same has been informed to the petitioner.

In that view of the matter, I do not see any willful disobedience of the order passed by this Court and therefore, this contempt case is liable to be closed.

Accordingly, this contempt case is closed.

As a sequel, miscellaneous petitions, if any, stands closed.

There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

Date: 14.12.2015
LSK