

HON'BLE SRI JUSTICE S.V. BHATT

C.C.No.933 of 2014

ORDER:

Petitioners invoked the jurisdiction of this Court under Sections 10 to 12 of the Contempt of Courts Act, 1971 and pray for punishing the respondents for wilful disobedience of the order dated 24.06.2013 in W.P.No.17197 of 2013.

This Court, through order dated 24.06.2013 after considering the fact in issue or inaction for which the jurisdiction of this Court is invoked, passed the following order:

“It is the specific case of the petitioners that though Ac.1.62 cents of land was not acquired, they lost the same on account of submergence. It is not in dispute that the said extent of land was not acquired under the provisions of the Land Acquisition Act. The 2nd respondent having initiated action to verify the fact of submergence by addressing a letter dated 18.02.2013 to the 3rd respondent, ought to have taken expeditious steps in the matter.

In that view of the matter, I deem it appropriate to dispose of the writ petition with a direction to the 2nd respondent to call for a report from the 3rd respondent and take an appropriate decision as per law as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.”

The contempt is filed primarily with two allegations against the respondents, viz., that the respondents did not act in the matter within the time stipulated by this Court and secondly, the non-payment of compensation for the inundated lands is illegal and amounts to disobedience of order dated 24.06.2013.

The respondents on receipt of notice in the contempt, filed counter affidavit. By way of reply, it is stated that the Special Deputy Collector, Land Acquisition TGP Rapur, Nellore, through letter No.Rc.C.31/2014 dated 22.03.2014 desired to ascertain the exact location of the lands in question of the petitioner and for this purpose joint inspection on 23.07.2014 of the subject land was conducted by the officials of Revenue and Engineering Departments and in the

inspection, it transpired that the petitioners' land is above FRL (+) 85.00 M and the inspection report was forwarded to the Special Deputy Collector, LA TGP through letter No.523 M dated 07.08.2014. The case of respondents is that the petitioners land is not inundated and acquired and consequently no compensation is paid. The reasons for not taking a decision within the time stipulated by this Court are stated and appears to be reasonable.

Having considered the material available on record, the complaint of petitioner does not come within the jurisdiction of contempt of Courts Act, 1971. As directed by this Court, an exercise to find out the factual position was undertaken and in perspective of respondents the petitioners are not entitled for any compensation as lands are not inundated by water.

The decision of respondents is to be assailed in a properly instituted proceeding and cannot be considered in this Contempt Case.

By leaving the remedy open, the contempt case is dismissed.
No order as to costs.

Miscellaneous petitions, if any, pending in the contempt case shall stand closed.

S.V. BHATT, J

Date: 02.02.2015
KLP