

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CONTEMPT CASE No.24 of 2015

Date:06.02.2015

**Between:**

Alladi Veeraveni, S/o Israel and 28 others.

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**Petitioners**

**And:**

N.Srinivas,  
Tahsildar, Mandapeta Mandal,  
East Godavari District.

**...Respondent**

Counsel for the Petitioners: Sri V.Narayana Reddy

Counsel for the Respondent: GP for Revenue (AP)

The Court made the following:

ORDER:

This Contempt Case is filed alleging willful disobedience of order, dated 12.11.2013, in Writ Petition No.30690 of 2013.

By the above-mentioned order, this Court has disposed of Writ Petition No.30690 of 2013 placing on record the instructions reported by the then learned Assistant Government Pleader for Revenue (Andhra Area) that the respondents are interested only over an extent of Ac.1.50 cents of land in Survey No.180/8

which is covered by order, dated 12.08.2013, in RP.No.62 of 2006 in O.A.No.290 of 2002 on the file of the Revenue Recovery Officer-II, Debts Recovery Tribunal, Visakhapatnam; that as of now, the respondents are not interfering with the petitioners' occupation of the lands in R.S.Nos.180/2 to 7 and 181/2; and that in future, if the respondents require the land in occupation of the petitioners, they will follow due process of law.

The petitioners alleged that in violation of the above-mentioned order of this Court, the respondent came to their colony along with one Circle Inspector, four Sub-Inspectors and 50 policemen and a poclainer on 15.12.2014 and removed the houses constructed by them in Survey No.180/3.

Sri V.Narayana Reddy, learned counsel for the petitioners, submitted that though the Commissioner's warrant pertains to the land in Survey No.180/8, the respondent and the police have evicted the petitioners from the land in Survey No.180/3.

At the hearing, learned Government Pleader for Revenue (Andhra Pradesh), on instructions, submitted that the eviction was carried out, in pursuance of the Commissioner's warrant issued by the Debts Recovery Tribunal, in respect of Ac.1.50 cents of land in R.S.No.180/8 of Vemulpalle Village and the possession was handed over to the Branch Manager of the Central Bank of India, Rajahmundry and that the lands in R.S.Nos.180/2 to 7 and 181/2 have not been taken possession, as assured before this Court in Writ Petition No.30690 of 2013.

Learned Government Pleader has further submitted that the respondent has gone to the schedule land in Survey No.180/8 on the requisition given by the

Advocate- Commissioner in pursuance of warrant issued by the Debts Recovery Tribunal; that except being present at the site, he has not taken any steps for recovery of possession; and that the possession was recovered by the Advocate-Commissioner and handed over to the Branch Manager, Central Bank of India, Rajahmundry. He has further submitted that neither the respondent nor any other functionary on behalf of the Government has taken possession of the land in any of the Survey numbers including the land in Survey No.180/3.

In my opinion, the question whether the petitioners' lands were situated in Survey No.180/3 or on Survey No.180/8 is a disputed question of fact. If the petitioners assert that their lands are situated over Survey No.180/3 of Vemulapalle Village and they have been evicted from the said Survey number, they shall be free to approach the Debts Recovery Tribunal with an appropriate application for restoration of their possession.

As learned Government Pleader has specifically submitted that the respondent has not recovered possession of Survey Nos.180/2 to 7 and 181/2 of Vemulapalle Village, the respondent has not violated the above-mentioned order of this Court. Hence, the Contempt Case is closed with liberty to the petitioners to avail appropriate remedy as indicted hereinbefore.

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*JUSTICE C.V.NAGARJUNA  
REDDY*

*06<sup>th</sup> February, 2015  
DR*