

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

Contempt Case No.1212 of 2015

Dated 04.12.2015

Between:

Datla Nageswara Rao & 4 others

... Petitioners

and

-
Sri Rajesh Tiwari IAS & 5 others

...Respondents

Counsel for the petitioners: Mr.P.V.Ramana

Counsel for the respondents: GP for Forests (TS)

The Court made the following:

Order:

This Contempt Case is filed alleging willful disobedience of Order, dated 26-12-2014, in WPMP.No.49715 of 2014 in WP.No.39644 of 2014, by the respondents.

By the aforesaid interim order, this Court has directed the respondents not to interfere with the petitioners' possession over the lands admeasuring Acs.5-00 guntas, Acs.5-07 guntas, Acs.5-00 guntas, Acs.5-00 guntas and Acs.5.05 guntas respectively

situated at Kothaguda Beat, Gudur Reserve Forest Block, Compartment No.1106, Kothaguda Section and Range of Warangal District. The said interim order was passed merely on the ground that the applications of the petitioners for conferment of rights over the reserve forest under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, were pending.

In this case, the grievance of the petitioners is that the subordinates of the respondents have not only been interfering with their possession of the above mentioned properties but have also filed Criminal Cases.

As this Court is not satisfied with the counter-affidavits filed by the respondents, their presence has been ordered.

Mr.Rajesh Tiwari, the then Principal Secretary, Environment, Forests, Science and Technology Department, and all other respondents are personally present. The learned Government Pleader for Forests representing them has vehemently contended that they have not violated the order of this Court as the petitioners were not in

possession of the subject properties and that when the petitioners tried to encroach the same in the guise of the interim order passed by this Court, they have registered criminal cases against them.

In my opinion, even if, factually, the petitioners are not in possession of the subject properties, when an interim direction is given to the respondents not to interfere with their possession, it is implied therefrom that the petitioners are in possession. The fact whether they are in actual possession or not shall have to be decided by this Court in the vacate stay application filed by the respondents. Having realised this, Mr.Rajesh Tiwari, who is presently not holding the post of the Principal Secretary, Environment, Forests, Science & Technology, fairly agreed that he will ensure that the criminal cases registered against the petitioners are withdrawn and no interference with their purported possession is caused by the respondents till the vacate stay petition is disposed of.

Having regard to the fair concession of Mr.Rajesh Tiwari, which is placed on record, the Contempt Case is closed.

As a sequel to closure of the Contempt Case,
Application Nos.802, 1421 and 1425 of 2015 are
disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 4th December, 2015
LUR