

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Contempt Case No. 980 OF 2015

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ORDER :
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This Contempt Case is filed alleging violation of the orders passed by this Court dated 07.05.2015 in W.P.No.14215 of 2015, wherein this Court has directed the respondent-authorities not to evict the petitioner from the subject land without following due process of law. .

In the affidavit filed by the petitioner in support of the Contempt Case nowhere it is stated that the petitioner has been evicted without following due process of law except stating that the respondent has conducted public auction in respect of the leasehold rights, which is in occupation of the petitioner. When the same was observed by this Court on 11.06.2015, better affidavit is filed by the petitioner, wherein it is averred that without evicting the petitioner, notification was issued for public auction. It is also the case of the petitioner that no notice was issued to the petitioner before conducting public auction in respect of the subject premises.

Counter affidavit is filed by the first respondent stating that they have issued notice under Rule-5(1) Form-I notice to the petitioner on 07.05.2015 through RPAD and the same was returned on 14.05.2015 with an endorsement 'refused, hence returned to the sender.'

Smt. K.Lalitha, learned Standing Counsel submits that after following due procedure, action will be initiated against the petitioner.

Heard both sides.

Even in the affidavit filed in support of the Contempt Case as well as in the better affidavit, it is not the case of the petitioner that he has been evicted without following due process of law and that there is no direction to the respondents for not conducting any auction. Even if the auction is conducted, the petitioner is to be evicted only after

following the due procedure. Moreover, the petitioner was issued notice before conducting auction, but the same was refused to receive by the petitioner. In view of the same, I do not see any violation of the orders passed by this Court on 07.05.2015.

Accordingly, the Contempt Case is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any, pending in this Contempt Case, shall stand closed.

A.RAJASHEKER REDDY, J

10.07.2015.
KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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Date: 10-07-2015

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