

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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Contempt Case No.1655 of 2012

ORDER:

This contempt case was instituted alleging wilful disobedience to the order dated 17.08.2012 passed by this Court in W.P.No.25213 of 2012.

By the said order, this Court took note of the first petitioner's (for short 'the petitioner') grievance that the police authorities were not protecting him, his family members and the agricultural land admeasuring Acs.2.05 cents in Survey Nos.242/3 and 243/3 of G.Vemavaram Village, I.Polavaram Mandal, East Godavari District, in spite of his complaint dated 10.06.2012 and directed the Superintendent of Police, East Godavari District, to consider the application filed by the petitioner seeking protection of himself, his family members and agricultural land in accordance with law.

The first petitioner died after institution of this contempt case and his legal representatives came on record as petitioner Nos.2 to 10.

The Sub-Inspector of Police, I.Polavaram Police Station, East Godavari District, filed a counter-affidavit stating that pursuant to the order of this Court, the petitioner submitted representation dated 11.09.2012 seeking police protection. The Superintendent of Police, East Godavari District, called for a report thereupon from the Station House Officer, I.Polavaram Police Station and a detailed reply was submitted stating to the effect that the subject land, being an extent of Acs.2.05 cents in R.S.Nos.242 and 243/3 of G.Vemavaram Village, I.Polavaram Mandal, belonged to the Government, being the drain poramboke which was granted under eksal lease in the year 2000. It was further stated that in due implementation of the order, police protection was provided to the petitioner and his family members, but as the land in question was a drain poramboke, police protection could not be given to it.

Though the petitioner filed a rejoinder to the said counter-

affidavit seeking to raise various issues and Sri G.Simhadri, learned counsel appearing for respondents 5 to 11, would also contest the petitioner's claim by putting up rival claim on behalf of his clients, these issues cannot be decided by this Court in exercise of contempt jurisdiction. The order of this Court merely required the Superintendent of Police, East Godavari District, to consider the petitioner's application for police protection in accordance with law. There was no positive mandate to provide such protection.

The counter-affidavit filed by the police authorities reflects that the petitioner's representation in this regard was duly considered and necessary action was taken thereupon. In the event the petitioners are aggrieved by such consideration, it would give rise to a fresh cause of action and they would have to seek redressal thereof in accordance with law by way of separate proceedings. The same cannot be made the subject matter of these contempt proceedings. This Court therefore finds no disobedience, much less wilful disobedience, warranting exercise of contempt jurisdiction.

The contempt case is accordingly dismissed leaving all issues open. No order as to costs.

SANJAY KUMAR, J

Date:29.09.2015

GJ