

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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CONTEMPT CASE No.1646 of 2013

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ORDER:

The order, violation of which is alleged in this Contempt Case, is the order passed in W.P.M.P.No.19780 of 2013 in W.P.No.16318 of 2013 dated 19.06.2013.

This Court, after recording the submission of the learned counsel for the petitioners that the petitioners were cultivating the land and, while there was no standing crop in existence as on date, they were in physical possession of the subject land, directed *status quo* as on that date in all respects, including possession, construction, alienation, creation of third party rights, changing the nature of the land etc., to be maintained until further orders.

In the present Contempt Case, the petitioners allege that the respondents had entered into the subject lands and had directed the petitioners to vacate therefrom; and the respondents were preventing the petitioners from attending their regular agricultural operations.

A counter-affidavit is filed by the Tahsildar stating that the subject lands were assigned to members of the Scheduled Caste and the Scheduled Tribes; on 05.09.2013, the original assignees had complained to the District Collector that one Sri S.Sivarama Krishna had destroyed their crops, and had abused them in the name of their caste; a complaint was addressed by the District Collector to the Superintendent of Police on 06.09.2013, marking copies thereof to the Revenue Divisional Officer and the Tahsildar, to give the assignees protection; the Tahsildar had inspected the subject lands on 08.09.2013, and had noticed that it was the petitioners who had violated the order of this Court dated 19.06.2013, and had sought to dispossess the assignees from the subject lands; and the petitioners had destroyed the turmeric crop raised on the said land.

While Sri N.Satyanarayana, learned counsel for the petitioners,

would draw attention of this Court to certain photographs, in support of his submission that the respondents had sought to destroy the crop standing thereat, this assertion runs counter to what the petitioners had informed this Court earlier that there was no standing crop in existence as on that day.

As the order of *status quo* required the petitioners not to change the nature of the land, the very fact that they now claim to have raised crops in the subject land would itself fall foul of the submission made by them before this Court earlier. There is no material on record to show that the respondents have violated the order of this Court, much less wilfully. On the other hand, it does appear that it is the petitioners who have violated the order of this Court. I see no reason, therefore, to proceed against the respondents under the Contempt of Courts Act, 1971.

The Contempt Case is, accordingly, closed. Miscellaneous petitions pending, if any, shall also stand closed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

18th September, 2015.

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