

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.88 of 2016

Dated : 18.07.2016

Between:

Narla Raja Babu S/o.Late Jaganadham,
Aged 60 yrs, Occu : Cultivation,
R/o.Lingapur Village, Ramagundam Mandal,
Karimnagar District & 2 others.

.. Petitioners

And

Smt N. Neethu Kumari Prasad, I.A.S,
District Collector, Karimnagar,
Karimnagar District & another.

.. Respondents

This Court made the following :

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ORDER :

This contempt case is filed by the petitioners to punish the respondents for willfully violating and disobeying the order dated 20.08.2015 passed by this Court in W.P.No.26454 of 2015. Petitioners allege that without following the due process, as directed, the road is being laid in the land of the petitioners.

2. This Court disposed of the Writ petition as under :

“The ends of justice would meet if the writ petition is disposed of directing the respondent authorities that in the event of the respondent authorities constructing a road on the subject properties, they shall follow the due process of law before dispossessing the petitioners, subject, of course, to the further requirement of the petitioners having the absolute title and ownership to the said properties, after putting the petitioners on notice and giving them opportunity of being heard.”

3. Counter affidavit is filed by the District Collector-1st respondent. In para No.2 of Page No.3 it is stated as under :

“It is respectfully submitted, the said road work was sanctioned by the Government in PR&RD Department with Panchayat Raj Engineering Department as Executing agency represented by the Superintending Engineer, P.R.Circle Karimnagar in the District. The Superintending Engineer, P.R.Circle Karimnagar has entered into an agreement with the Agency concerned duly stipulating certain conditions in force. In case any land is felt required for widening the existing road or laying new road, the Executing Agency i.e., the Superintendent Engineer, P.R.Circle Karimnagar should submit the land acquisition proposals to the Revenue Authorities concerned for acquisition of required land. Subsequently, the Revenue Authorities concerned, by following due procedure as stipulated in law shall acquire the land.”

4. A reading of the said averments would disclose that according to the 1st respondent there was an existing Kutcha road which is in use for long time and the property of the petitioners is situated adjacent to the said road. The existing road is only strengthened by the alleged action of the respondents. The

photographs filed along with the counter also discloses *prima-facie* existence of a road and the property of the petitioner being fenced, which is adjacent to the road being formed.

5. Having regard to the above, it cannot be said that the respondents have willfully and deliberately disobeyed the orders of this Court warranting initiation of action under the Contempt of Courts Act.

6. Accordingly, the Contempt Case is closed. However, the closure of the contempt case does not come in the way of the petitioners approaching the competent authority with all relevant documents in support of their claim that in the process of formation of Kutcha road by strengthening the present road, the property of the petitioners is affected. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

18th July, 2016.
Rds

P.NAVEEN RAO,J