

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Contempt Case No.1840 OF 2015

JUDGMENT:

This Contempt Case is filed to punish the respondents 1 to 4 under Sections 10 to 12 of the Contempt of Court Act for violating the orders passed in W.P.No.18818/2012 dated 09.07.2012.

2. It is the case of the petitioners that their mother namely G.Rajeswaramma, W/o.late Krishnaiah Chetty got an extent of Ac.8.90 cents covered by S.No.463/1 of Tiruchanoor village, Tirupati Rural Mandal under registered Will Deed No.97/1975 executed by her mother late Smt.V.Narayanamma dated 19.12.1975. Smt. V.Narayanamma got the extent of land from the Inamdars 35 years back prior to coming into existence of the A.P (A.A) Inams (Abolition & Conversion into Ryotwari) Act, 1956 and Rules 1957. That Smt.G.Rajeshwaramma purchased 1/3rd share of the Inamdar right on 11.10.1983 from Mr.G.M.Vijayasankar under registered sale deed dated 12.10.1983 and she has been in possession and her name was also notified in the survey conducted in the year 1964-68. That the Tiruchanoor village of Tirupati Rural Mandal was notified as Inam lands, including an extent of land measuring Acs.8.90 cents in Sy.No.463/1, not held by any institution under Sub-Section 3 of Section 3 of A.P (A.A) Inams (Abolition & Conversion into Ryotwari) Act, 1956 and Rules 1957 and that the same was published in the District Gazette of Chittoor on 3.9.1984.

3. After demise of Smt.V.Narayanamma, her daughter Smt. G.Rajeswaramma succeeded an extent of Acs.8.90 cents and filed

an application for grant of ryotwari patta in the year 1985 before the then Inam Deputy Tahsildar, Chittoor. The Inam Deputy Tahsildar, after following the procedure prescribed under the Act/Rules was pleased to grant ryotwari patta under Section 7 of the Act 37 of 1956 for an extent of Acs.8.90 cents vide proceedings in S.R.No.154/85, dated 29.11.1985. As such, Smt. Rajeswaramma and her mother are in continuous possession of the subject property since decades. While so, when the respondents 2 to 4 grabbed the subject property, Smt. Rajeswaramma filed LGC.No.82 of 1995 before the Special Court under A.P. Land Grabbing (Prohibition) Act, 1982 at Hyderabad to declare the respondents 2 to 4 as land grabbers. The said LGC was dismissed on 18.07.1996. During the pendency of the said LGC, respondents 2 to 4 filed an appeal before the RDO questioning the orders dated 29.12.1985 issued by the then Inam Deputy Tahsildar. The Revenue Divisional Officer (RDO) passed order dated 04.04.1998 remanding the matter to Inam Deputy Tahsildar, Chittoor, to conduct *denovo* enquiry by setting aside the order passed by the then Inam Dy. Tahsildar in SR No.154/1985, dated 29.11.1985. In pursuant to the remand order passed by the RDO dated 04.04.1998, the then Inam Dy. Tahsildar passed orders dated 13.06.2011 by confirming granting of patta in favour of Smt. G.Rajeswaramma in Sy.No.463/1 to an extent of Acs.5.70 cents but not Ac.8.90 cents and that the said order was communicated to the parties by Registered Post with Acknowledgment Due. After passing of the said order dated 13.06.2011, the 2nd respondent filed W.P.No.18818 of 2012 questioning inaction of the 1st respondent-the Inams Deputy

Tahsildar (3rd respondent there in the writ petition) in not conducting *de novo* enquiry as per the orders passed by the RDO dated 04.04.1998 with respect to land in Sy.No.463/1. The said writ petition was filed without impleading the legal heirs of Smt.G.Rajeswaramma, who died on 24.12.2011 even though the then Inam Deputy Tahsildar already passed final orders on 13.06.2011. This Court disposed of W.P.No.18818 of 2012 by its order dated 09.07.2012 with a direction to the 3rd respondent i.e., 1st respondent herein, to dispose of the statutory proceedings if not already disposed of, pending before him in the aforementioned *de novo* enquiry ordered by the RDO expeditiously, preferably within 4 months from the date of receipt of the certified copy of the order.

4. Counter affidavit and additional counter affidavit are filed by the 1st respondent admitting that basing on the representation of the petitioners dated 08.08.2012, he passed orders dated 03.11.2012. It is also stated that the petitioners never challenged the order dated 03.11.2012 and revised order dated 27.04.2013, which is passed on the representations of the 2nd respondents and one Mr.Suresh dated 22.04.2013 and 18.02.2013 respectively. It is also stated that the purchase of subject land by the son of the 1st respondent is not disputed but it is stated that the 1st respondent is not involved in the said purchase and there is strained relationship between himself and his son.

5. Heard Sri G.Krishna Murthy, learned counsel for the petitioners, Sri A.Sudershan Reddy, learned Senior Counsel for the 1st respondent and Sri N.Bharath Babu, learned counsel for the 2nd respondent.

6. It is the case of the petitioners that though the then Inam Deputy Tahsildar passed orders on 13.06.2011 in pursuant to remand orders passed by the RDO dated 04.04.1998 in collusion with the other respondents, the 1st respondent herein again passed orders on 03.11.2012 and modified the earlier orders dated 13.06.2011 granting patta to G. Rajeswaramma to an extent of Acs.5.70 cents in Sy.No.463/1, which according to the petitioners is in violation of the orders passed by this Court in W.P.No.18818 of 2012 dated 09.07.2012. This Court, in the said writ petition directed the 1st respondent herein in this Contempt Case (3rd respondent therein) to dispose of the statutory proceedings, if not already disposed of, pending before him in the aforementioned de-novo enquiry ordered by the 2nd respondent (RDO) therein, within a period of four months from the date of receipt of certified copy of the order. Admittedly, even by the time the above order is passed, the 3rd respondent in the writ petition Inams Deputy Tahsildar passed orders dated 13.06.2011 in pursuant to orders of the RDO in D.Dis.4860/95, dated 04.04.1998. The order passed by this Court in the writ petition is very clear, without any ambiguity. The 1st respondent knew that the earlier Inams Deputy Tahsildar, basing on the remand order dated 04.04.1998, passed by the Revenue Divisional Officer, has conducted de novo enquiry and passed orders dated 13.06.2011 and he has also referred the in his order dated 13.06.2011. It is not known as to why the 1st respondent, knowing fully well about the order 13.06.2011 passed by the then Inams Deputy Tahsildar, he has passed the order dated 03.11.2012 by modifying the earlier order dated 13.06.2011. In the counter

affidavit also, there is no explanation for the same except stating that the petitioners have not challenged the order dated 03.11.2012 and also the subsequent orders, which goes to show that the 1st respondent herein deliberately knowing fully well about the order passed by the then Inams Deputy Tahsildar dated 13.06.2011, has passed orders dated 03.11.2012, which is nothing but violation of orders passed by this Court in W.P.No.18818 of 2012, dated 09.07.2012. The 1st respondent has also no power to review the order passed by his predecessor. It is not the case of the 1st respondent that the order dated 03.11.2012 is passed by exercising power of review. In view of the same, it is to be construed that the 1st respondent passed orders dated 03.11.2012 deliberately in violation of the orders passed by this Court in the aforesaid writ petition.

7. Though the learned Senior Counsel Sri A.Sudershan Reddy submits that the 1st respondent misunderstood the orders of this Court in the writ petition and passed the order dated 03.11.2012. But there is no ambiguity in the order dated 13.06.2011 passed by the predecessor of the 1st respondent. As such, the contention of learned Senior Counsel cannot be accepted. As rightly pointed out by the learned counsel for the petitioner, the 1st respondent deliberately passed the order dated 03.11.2012 in violation of the order dated 09.07.2012 passed by this Court, as such, he is liable for punishment under Contempt of Court Act.

8. It is stated by the learned counsel appearing for the respondent No.2 that the respondents 2 to 4 are not aware about the proceedings dated 13.06.2011 passed by the then Inams Deputy

Tahsildar, as the same is not communicated to them. As such, they have not violated orders passed by this Court. The record produced also did not indicate that order dated 13.06.2011 was served on the respondents 2 to 4. In view of same, the Contempt Case is liable to be dismissed against respondents 2 to 4.

Though apology is tendered by the 1st respondent in the counter affidavit, it does not appear to be *bonafide* as 1st respondent deliberately flouted the order passed by this Court, as such, the same cannot be accepted. I am also of the opinion that imposition of fine will not meet the ends of justice in the facts and circumstances of the case.

In view of above facts and circumstances, the 1st respondent is convicted under Section 2(b) of the Contempt of Courts Act, 1971 for willful violation of the order of this Court dated 09.07.2012 and sentenced to undergo Simple Imprisonment for a period of one month in civil prison. The subsistence allowance is fixed at Rs.200/- (Rupees two hundred only) per day, to the 1st respondent, to be born by the petitioner under Rule 32(3) of the Contempt of Court Rules 1980.

The Registrar (Judicial) is directed to take necessary steps for execution of this Judgment under rules 31 and 33 of the said Rules.

The Contempt Case against the respondents 2 to 4 is dismissed.

A.RAJASHEKER REDDY, J

11.11.2016
kvs

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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Date: 11 .11.2016

kvs

