

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE NO.1991 OF 2013

ORDER:

_____ The order, violation of which is alleged in the present Contempt Case, is the order passed in W.P.No.16453 of 2013 dated 12.06.2013. In the said order, this Court recorded the submission of the learned Government Pleader, on instructions, that the respondents were not interfering with the possession of those who are in possession of the lands in Survey No.66/2 of Rai Durgam Village and they would only take steps to protect Government land of Acs.55.00, in Survey No.66/1, from encroachment.

_____ While the petitioners contend that the tin sheets placed by them in Survey No.66/2 have been removed, the respondents, in their counter affidavit, have stated that an application was submitted by the petitioners, before the second respondent, for grant of a no objection certificate in respect of the subject land for an extent of Acs.4.00; on the said application a detailed report was submitted to the District Collector by the Revenue Divisional Officer stating that Survey No.66/2 had been bifurcated into many parts; as per the request of the petitioners, the second respondent had directed the Assistant Director, Survey and Land Records, to prepare a sub-division record; and they had visited the land only to note the physical features for preparation of the sub-division of records. It is also stated that the field staff had visited the subject lands only at the request of the petitioners for localisation of the lands; and the contention, that the respondents were interfering with the peaceful possession of the petitioners, is incorrect.

_____ As these submissions have not been disputed by way of a reply affidavit, it does appear that the respondents had visited the subject land only for localisation, that too at the petitioners' request. The respondents cannot be said to have violated the order of this Court, much less wilfully and deliberately. I see no reason, therefore, to proceed against the respondents under the Contempt of Courts Act, 1971.

_____ The Contempt Case is, accordingly, closed.

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(RAMESH RANGANATHAN, J)

26th February 2016

RRB