

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.1061 of 2016

ORDER:

This Contempt Case is filed complaining non-compliance of the order of this Court dated 09-04-2015 in W.P.No.9936 of 2015.

It is the case of the petitioner that though this Court disposed of the said writ petition directing the respondent authorities to complete the survey and fix boundaries as per FMB 8-A sketch in respect of the lands in Sy.Nos.1005/1 and 1006/1 over an extent of Ac.0-28 cents and Ac.0-72 cents respectively situated at Pulikallu Village, Penumuru Mandal, Chittoor District, the respondents have not complied with the said order.

Though the petitioner had prayed to demarcate the land over an extent of Ac.0-28 cents in Sy.No.1005/1 and Ac.0-72 cents in Sy.No.1006/2, this court while disposing of the writ petition did not specify the extents and left it open to the respondent authorities to demarcate in terms of FMB 8-A sketch.

On notice being issued, respondents 3 to 5 filed counter affidavits.

For disposal of the Contempt Case, it is not necessary to refer to the counter affidavits of respondents 4 and 5. Though the direction is issued to the respondents in general, as a matter of fact, it is the 3rd respondent- Assistant Director of Survey and Land Records, who is the competent authority to conduct survey.

In the counter affidavit filed by the 3rd respondent, it is categorically asserted that on 17-06-2015 the 3rd respondent along with the Deputy Inspector of Survey and Mandal Surveyor visited the subject site and after issuing notice to the neighbouring land owners, measured the land over an extent of Ac.0-14 cents in Sy.No.1005/1 and Ac.0-36 cents in

Sy.No.1006/1 and demarcated the same on ground as per sub-division records. However, the petitioner refused to sign the survey report on the ground that he was not shown the land admeasuring Ac.0-28 cents in Sy.No.1005/1 and Ac.0-72 cents in Sy.No.1006/1 and left the site. It is further stated in the counter affidavit that the petitioner had deliberately suppressed the fact that he was assigned the land admeasuring Ac.0-14 cents in Sy.No.1005/1 and Ac.0-36 cents in Sy.No.1006/1. However, in the writ petition he had claimed that he was assigned Ac.0-28 cents and Ac.0-72 cents. Therefore, the 3rd respondent prays that the contempt case may be dismissed, as the order of this Court has been complied with in letter and spirit.

Heard the learned counsel for petitioner as well as respondents.

Sri A.Veera Swamy, learned counsel appearing for respondents had produced the original FMB records, as per which with respect to Sy.No.1005/1 the sub-division indicates only Ac.0-14 cents and with respect to Sy.No.1006/1 only an extent of Ac.0-36 cents. Further, the demarcation has been done in accordance with the FMB 8-A sketch as directed by this Court and the order of this Court is complied with in letter and spirit.

In those circumstances, the Contempt Case is closed. However, the observations made in this order shall not be construed as expressing any view with respect to the petitioner's claim and entitlement so far as the land in Sy.Nos.1005/1 and 1006/1 is concerned.

Miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

Date: 14.12.2016

Prv

