

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE NO.1608 OF 2013

ORDER:

The order, violation of which is alleged in the present Contempt Case, is the interlocutory order passed in W.P.M.P.No.48880 of 2012 in W.P.No.38533 of 2012 dated 14.12.2012. While it was contended, on behalf of the petitioners before this Court, that the respondents were trying to interfere with the petitioners' possession, the learned Government Pleader for Revenue contended that the petitioners owned certain extent of land in T.S.No.8, Block A, Ward No.166; they were seeking to encroach upon the Moosi river bed in T.S.Nos.9 and 10; and they were seeking to make construction thereupon.

In the aforesaid order this Court, after noting that no construction had been raised by the petitioner even in T.S.No.8 as on date, passed an order similar to that in W.P.No.13564 of 2011, except with regard to demolition of structures. This Court observed that there were no structures as on the date of the order, and permitted the petitioners to produce the documents, upon which they claimed title, before the Tahsildar on or before 31.12.2012; and the respondents were directed to pass appropriate orders on such applications, in accordance with law, before 31.01.2013. The petitioners were directed not be evicted from the subject land in T.S.No.8 till then. The petitioners were also directed not to make any construction on the subject land till their applications were disposed of by the respondents.

In the present Contempt Case, the petitioners claim that the respondents had illegally dismantled the structures in the survey number, and had caused monetary loss to the petitioners; the houses, dismantled by the respondents, were in existence since more than two decades, and had electricity meters; they had also dismantled the structures in T.S.No.8; all the 20 persons, whose structures were dismantled, were poor not having shelter; and the order of this Court had been violated wilfully and deliberately.

In the counter affidavit filed on behalf of the respondents, it is

stated that, pursuant to the orders passed by this Court, the first petitioner had submitted their reply along with the documents; an order was passed on 31.01.2013; a copy thereof was served on the petitioner duly enclosing the sketch prepared by the Mandal Surveyor to avoid any mistakes in identification of the land; there was a typographical mistake in mentioning the block number; the same was rectified and corrected vide proceedings dated 05.02.2013; a copy of the corrected order was also served on the petitioners on 05.02.2013 itself; and the allegation, that the respondents had violated the order of this Court, was false. It is further stated that the petitioners were trying to grab the riverbed land by filling up the soil to create third party interest over the subject property.

As has been noted in the aforesaid order, there were no structures in T.S.No.8. As such there were no structures in T.S.No.8 for the respondents to demolish. The grievance, if any, of the petitioners regarding demolition in any other survey number, could have been urged only in independent proceedings, and not in proceedings under the Contempt of Courts Act, 1971. As the order of this Court has not been violated, much less wilfully and deliberately, I see no reason to proceed against the respondents under the Contempt of Courts Act, 1971.

The Contempt Case is, accordingly, dismissed.

(RAMESH RANGANATHAN, J)

19th February 2016
RRB