

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No. 175 OF 2014

14-03-2016

Between:

Ch. Jaganadha Rao

... Petitioner

And

Sri B. Sanjeevaiah and others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO
-
CONTEMPT CASE No. 175 OF 2014

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This contempt case is filed by the petitioner in PIL No.4 of 2012 which was disposed of by the Division Bench vide its order dated 29-07-2013. In the PIL, the petitioner sought mandamus declaring the action of the respondents in dispossessing the farmers of Reddygudem and Kottur villages, Tadvai Mandal, Warangal District of their title deeds and restraining them from cultivating the second crop of paddy and putting them without any source of livelihood only for the purpose of conducting Sammakka-Sarakka Jatara and not paying any compensation to the farmers as arbitrary, illegal and unconstitutional.

The PIL was disposed of by the Division Bench and while doing so, the following directions were issued:

“Therefore, we direct the respondents that in the event the aforesaid lands are required to be vacated in future, then appropriate compensation shall be granted for loss of crops or for depriving the opportunity of cultivating the land. Further, we direct the Government not to utilize the aforesaid lands in future, without paying appropriate compensation to the persons affected.”

The petitioner thereafter filed the instant contempt case on the apprehension as stated in paragraph 13 of the petition, which reads thus:

“I respectfully submit that now in view of the fact that the Sammakka – Sarakka Jatra is scheduled to be conducted from 12.02.2014 to 15.02.2014, and as the residents will be

without any source of livelihood even after completion of the Jatra, in view of the fact that the land will not be fit for agriculture again for a period of 2-3 months, and therefore, the respondents have intentionally, and wilfully disobeyed the orders of the Honourable High Court, in not paying compensation, and such action on the part of the respondents is nothing but contempt of court, and as the respondents have not paid any compensation earlier and are repeating the same mistake again, and therefore the respondents are liable for punishment under Contempt of Court for not implementing the orders of the Honourable High Court dated 29.07.2013 in PIL No.4/2012. Therefore, I am compelled to file the present contempt case before this Honourable High Court.”

The petitioner alleges that even for subsequent years after the order dated 29-07-2013, the lands of the farmers were used, which fact has been stoutly denied by the respondents by filing affidavits dated 14-09-2015 and 28-01-2016.

In view thereof, it is not possible for this Court to enter into the controversy whether the lands were actually used for the said Jatara. In the circumstances, when we made certain suggestions to learned counsel for the petitioners, she has readily accepted the same. Learned Special Government Pleader also accepted the suggestions made by this Court and, hence, we dispose of this contempt case by the following order:

“It is open to the petitioner or the farmers to make a representation to the concerned authority and place material in support of their contention that their lands were utilised for the said Jatara and that they were displaced during the period when the Jatara was conducted, within a period of four weeks from today. If any such representation along with supporting material is placed before the concerned authority, we direct the concerned authority to consider the same on merits, in accordance with law and if the material produced on record is sufficient to hold that the farmers lands were utilised for the Jatara, as aforementioned, they may be granted compensation as prayed.”

With these observations, the contempt case is disposed of.
Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

14-03-2016
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