

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE NO.306 OF 2013

ORDER:

Sri C.Prakash, learned counsel for the petitioner, again seeks time to file a reply and to engage a Senior Counsel. As the matter is being needlessly dragged on, at the very same request, it is necessary to take note of the earlier proceedings before this Court. The counter affidavit of the first respondent was filed on 15.04.2013, and the counter affidavit of the second respondent was filed on 20.11.2013. The petitioner filed his reply affidavit on 14.11.2013. Thereafter, when the matter came up on 06.11.2015, Sri C.Prakash, learned counsel for the petitioner, requested that the matter be taken up after three weeks. At his request, the matter was adjourned to 27.11.2015. Thereafter, the matter was adjourned again from 27.11.2015 to 04.12.2015, from 04.12.2015 to 11.12.2015, from 18.12.2015 to January 2016, from 29.01.2016 to 05.02.2016, and from 05.02.2016 to today. Even today, Sri C.Prakash, learned counsel for the petitioner, merely reiterates the request that time be granted to engage a Senior Counsel. I see no reason, in such circumstances, to accede to his request. When asked whether he was willing to proceed with the matter, Sri C.Prakash expresses his disinclination to do so, as the party desires to engage a Senior Counsel.

The order, violation of which resulted in the present Contempt Case being filed, is the interlocutory order passed in WP.MP.No.2955 of 2013 in WP.No.2430 of 2013 dated 13.02.2013 whereby the petitioner was directed not to plant any further trees, and the respondents were directed not to either remove the trees or dispossess the petitioner from the land in Survey No.22/2, except in accordance with law, including the provisions of the Andhra Pradesh Land Encroachment Act, 1905.

This Contempt Case is filed alleging that at mid night on 13.02.2013, the Tahsildar, Ramakuppam Mandal, along with the

Revenue Inspector and G.Lalithamma and her husband G.Srinivasula Reddy, came to the land and removed 56 mango trees by using JCB with tractor; the Tahsildar had instructed the Revenue Inspector to remove the mango trees in Survey No.22/2 violating the orders of this Court; and the first respondent had wilfully and wantonly not implemented the orders of this Court, and had deliberately avoided taking action against the first respondent.

The first respondent-Tahsildar, in her counter affidavit, stated that the land admeasuring an extent of Ac.1.73 cents situated in Survey No.22/1, was assigned to Sri Sree Ramulu, S/o.Sanjeevappa vide DKT No.43/4/1406 dated 30.07.1996 by the then Tahsildar, Ramakuppam; the very next day on 31.07.1996, the then Tahsildar, obviously due to mistake issued a DKT patta to the petitioner for the land in Survey No.22/1 admeasuring Ac.1.73 cents vide DKT patta No.62/4/1406 dated 31.07.1996; the D-form, pattadar passbooks and title deeds show that the petitioner had himself made entries in the passbooks; Survey No.20/5 was corrected by the petitioner; natural mango trees were existing, and they were not planted by any one; and out of the said mango trees, four mango trees dried up and the remaining were removed by the assignee in order to bring the land under cultivation. The petitioner's contention that the mango trees were planted by them is denied, and the first respondent would state that he did not interfere with the peaceful possession of the petitioner nor did he cut the trees as alleged in the Contempt Case. He reiterates that he has never disobeyed the orders of this Court.

In the counter affidavit filed by the second respondent, it is stated that the petitioner created a fake patta document and, hence, an enquiry was held by the Tahsildar, Ramakuppam on the orders of the Sub-Collector, Madanapalli; these lands were not assigned at any point of time; the petitioner made false entries in the D-Form patta, the pattadar passbooks, and the title deeds as if it was assigned to him; the Sub-Collector, Madanapally, by his letter dated 27.01.2013,

directed the Tahsildar, Ramakuppam to delete all false entries made in D-Form patta, the passbook and title deeds, and to initiate criminal action for making false entries in the D-Form patta and pattadar passbooks; apprehending that criminal action would be taken against him, the petitioner had approached this Court with all false and concocted allegations, and had obtained *ex parte* interim orders; the allegation that, after grant of patta in his favour in the year 1996, the petitioner raised a mango garden, which is of ten years old, is false; the second respondent was a landless poor person and was in possession of the land raising crops like groundnuts, horse gram etc; the land in Survey No.20/5, of an extent of Ac.1.29 cents, was in her possession and enjoyment; the other land in Survey No.22/1 or Survey No.22/2 were AWD lands and no one was assigned these lands; the petitioner and his wife had obtained a DKT patta in Survey No.15/9 for an extent of Ac.0.12 cents, in Survey No.23/1 for an extent of Ac.1.79 cents, in Survey No.21/2 for an extent of Ac.1.70 cents, and in Survey No.22/3 for an extent of Ac.1.46 cents in the same village; not being satisfied with it, the petitioner created a fake DKT patta of the year 1996 in respect of the land in Survey Nos.20/5 and 22/1; there were no mango trees existing in Survey No.20/5 which was assigned to her on 29.08.2012; this Court was made to believe that the petitioner planted mango trees, but there were no mango trees either in Survey No.20/5 or 21/1; she was not concerned with the land in Survey No.22/2; it was a government land and not assigned to anyone; pursuant to the interim order, the petitioner had been threatening her and the third respondent, and was trying to interfere with her possession and enjoyment of the land in Survey No.20/5; the allegation that the Tahsildar, along with Revenue Inspector and herself and her husband, came to the land and removed 56 mango trees on 13.02.2013 at midnight is false; she was not concerned with the land in Survey No.22/2 which is AWD land according to the revenue records; the petitioner had nothing to do with Survey No.22/2; and his contention in the Contempt Case, that he

planted mango trees in Survey No.20/5, was false.

In the reply affidavit, the petitioner stated that, while the second respondent denied that there were mango trees, the Tahsildar has admitted that there were mango trees in the said Survey number; the respondent had violated the order of the Court, and had removed 56 mango trees situated in the schedule land; and they had wilfully and wantonly violated the order of this Court.

As noted hereinabove, the order of this Court required the petitioner not to plant any further trees, and the respondents not to either remove the trees or dispossess the petitioner except in accordance with law. The second respondent claims that the land in Survey Nos.22/1 and 22/2 are AWD lands, and that she had not interfered with those lands. Curiously neither in the affidavit filed in support of the Contempt Case, nor in the reply affidavit, has the petitioner asserted that the land in Survey No.22/2 was assigned to him. It is his case that the lands in Survey No.20/5 and 22/1 were assigned in his favour. While the respondents claim that these documents are also fabricated, it is wholly unnecessary for these questions to be examined in the present contempt proceedings as the only question which necessitates examination is whether or not the respondents had removed the trees, and dispossessed the petitioner from his possession of the land in Survey No.22/2. As is evident from the counter affidavits filed by the respondents, neither was the petitioner in possession of the land in Survey No.22/2, nor were any mango trees to be found therein. Proceedings, under the Contempt of Courts Act, 1971, are quasi-criminal in nature, and it is only when a clear case of contempt is made out would this Court be justified in interference. As the petitioner does not even assert that the land in Survey no.22/2 was assigned in his favour, and the respondents categorically deny having interfered with the land in Survey No.22/2 or to have removed the mango trees therefrom, I see no reason to proceed against the respondents under the Contempt of Courts Act,

1971.

The Contempt Case is, accordingly, closed.

(RAMESH RANGANATHAN, J)

12th February 2016

RRB