

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Contempt Case No. 204 of 2016

Order:

This Contempt Case is filed alleging non-implementation of the order dated 02.06.2015 passed by this Court in WP No.737 of 2015.

2. This Court passed the order in the Writ Petition with the following direction.

“In the circumstances, the Writ Petition is disposed of directing the second respondent to consider the representation alleged to have been submitted by the petitioners on 24.11.2014 in respect of digging the fish tanks in various survey numbers in Nelamuru village, Penumantra Mandal in West Godavari District, within a period of fifteen days from the date of receipt of a copy of this order. However, the petitioners are at liberty to challenge the permission granted to the private parties for digging the fish tanks, if they are so advised.”

3. A counter affidavit is filed on behalf of the respondent stating that not only the order in WP No.737 of 2015 but also the order in WP No.15668 of 2015 was considered in the 43rd DLC held on 04.08.2015, but it was noticed that the petitioners in WP No.737 of 2015 are different from the petitioners in WP No.15668 of 2015. Since there was a direction to consider the representation dated 24.11.2014 their representation was considered and the petitioners in WP No.15668 of 2015 were heard in person. The copy of the proceedings of the DLC, dated 04.08.2015 are enclosed to the counter affidavit. They disclose that the Court cases were considered. Apart from considering the orders, the pleas of the petitioners and the respondents were considered by the District Collector and Chairman, District Level Committee for fresh water aqua culture, West Godavari District, Eluru, who verified the village map and passed an order on 04.08.2015. In the circumstances, it cannot be said that the order passed by this Court in WP No.737 of 2015, dated 02.06.2015, was violated. In the said order it was made clear that if the petitioners are aggrieved by the orders passed by the District Collector they were given liberty to challenge the orders. Instead of challenging the said

orders, the present Contempt Case is filed alleging non-implementation. This Court is satisfied with regard to implementation of the order and finds no point to pursue in the Contempt Case.

4. The Contempt Case is, accordingly, dismissed. There shall be no order as to costs.

5. As a sequel thereto, the miscellaneous applications, if any pending in this Contempt Case shall stand closed.

A.
Date: 01.04.2016
Nsr

RAMALINGESWARA RAO, J