

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE NO.2224 OF 2013

ORDER:

_____ The order, violation of which has resulted in the present Contempt Case being filed, is the interlocutory order passed in WP.MP.No.46804 of 2012 in WP.No.36883 of 2012 dated 29.11.2012 whereby interim stay of all further proceedings, pursuant to the notice issued vide proceedings No.B/5980/2006 dated 03.11.2012, was granted; and the petitioner was directed not to alienate or create any third party interests over the subject land until further orders.

_____ In the notice dated 03.11.2012, the Tahsildar records that an application was made by the third respondent stating that he was the owner and pattadar of an extend of Acs.5.68 cents in Survey No.1 at Keethavarigudem Village; an extent of Ac.1.97 cents was illegally mutated in the name of Bade Narsaiah and others; and his name should be restored. The Tahsildar decided to conduct enquiry on 17.11.2012, and directed the parties to appear before him. Alleging that the respondents started conducting panchanama, one after the other, to establish that the third respondent was in possession of the land, the petitioner herein got issued a contempt notice dated 19.08.2013 asking them not to conduct any enquiry in the matter. It is his case that, while the first and second respondents had illegally got a panchanama conducted and had stated that the petitioners were not in possession of Ac.1.97 cents, it is they who are in possession of the land; the first and second respondents had no power to conduct an enquiry into the matter, and the action of the respondents in conducting further enquiry was in violation of the order of this Court.

_____ In his counter affidavit, the second respondent stated that the third respondent has been in possession of the subject land from the year 1995-96. The Revenue Divisional Officer, in his proceedings dated 26.07.2013, stated that the Tahsildar had enquired into the matter and had submitted a report to the effect that the land in Survey No.1 admeasuring Ac.1.97 cents was in possession of the third respondent,

and not the petitioner; as such pattadar passbooks and title deeds could not be issued to him; and his request would be considered after disposal of W.P.No.36883 of 2012.

The interlocutory order of this Court, violation of which is alleged in this Contempt Case did not hold that the petitioner was in possession of the subject land. It is only on the petitioner's claim to be in possession, was he directed not to alienate or create third party rights. If, as is now contended, the third respondent has been in possession of the subject lands from the year 1995-96, the order of this Court cannot be construed as requiring the petitioner to be put in possession of the subject lands. The order of this Court merely restrained the respondents from proceeding further, pursuant to the notice dated 03.11.2012 whereby all parties were directed to appear before the Tahsildar. It is not even the petitioner's case that he was subsequently directed to appear before the Tahsildar resulting in violation of the order in the Contempt Case. The order passed by this Court has not been violated, much less wilfully or deliberately. I see no reason, therefore, to proceed against the respondents under the Contempt of Courts Act, 1971.

The Contempt Case is, accordingly, closed.

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(RAMESH RANGANATHAN, J)

12th February 2016

RRB