

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.673 of 2016

ORDER:

This Court, by order dated 23.04.2014 in WPMP.No.15603 of 2014 in WP.No.12425 of 2014, passed the following order:

“ Learned counsel for the petitioner submits that the notification under Section 4(1) of the Land Acquisition Act (for short the Act,) dated 23.07.2012 and also in the draft declaration issued on 23.11.2012, the property of the petitioner was not shown as if it is included in the draft declaration. Section 12(2) notice was served to the petitioner on 5.2.2014 wherein for the first time the petitioner was informed about the acquisition of his land and even before petitioner was informed of such acquisition, an award was passed on 30.12.2013.

Learned counsel for the petitioner contends that the notice issued on 29.7.2013, by way of errata, is in fact, the first notice received by the petitioner for acquisition of his land and therefore, the entire gamut of provisions of land acquisition, Repeal Act has not been followed. It is contended that it is mandatory to hold an enquiry under Section 5-A of the Act and not holding of the same vitiates the entire proceedings.

Having regard to the submissions made, there shall be interim direction directing the 2nd respondent not to demolish or dispossess the petitioner from the land to an extent of 92.2 square yards in front of shop Nos. 10-3-274/B/1 to 8 and also from the property bearing Nos. 10-3-274/B/6 and 7 situated at Humanyunnagar, Hyderabad until further orders.”

Alleging that the said order is not complied with, this contempt case is filed.

2. A counter-affidavit is filed on behalf second respondent in the writ petition and the sole respondent in the present contempt case categorically asserting that they have not undertaken the demolition of the property in issue. Demolition was taken up by the GHMC and the respondent therefore states

that he has not violated the orders of the Court and sought for closure of contempt proceedings.

3. As seen from the order passed by this Court and even according to the prayer sought, direction sought was only to the second respondent i.e., Special Deputy Collector, Land Acquisition, Tank Bund Road, Hyderabad and there was no direction to the third respondent i.e., GHMC.

4. As the direction was only to the second respondent and when second respondent categorically states that he did not demolish the property, the contempt proceedings would not lie and hence the contempt case is accordingly closed. It is needless to observe that if the petitioner has grievance regarding the nature of acquisition and demolition of the property, it is always open to him to prosecute the grievance in the pending writ petition or in any other proceedings as available to him under law. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

P.NAVEEN RAO, J

Date: 31.08.2016
TJMR