

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.1481 OF 2016

Dated:12.06.2017

Between:

Jatawath Srinu Naik, S/o. Keerya Naik,
Aged 42 years, Occ: Agriculture,
R/o. Goli Village, Rentachintala Mandal,
Guntur District, Andhra Pradesh

.. Petitioner

And

K.B. Srinivasa Rao, Occ: Assistant
Commissioner, Endowments
Department, Kothapeta, Guntur,
Andhra Pradesh and others

.. Respondents



The Court made the following:

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ORDER:

Subject matter of the Writ Petition is concerning grant of leasehold rights. The subject land belongs to Sri Satrashala Malleshwara Swamy Devasthanam. The petitioner claimed that he was granted license to cultivate the subject land. The petitioner challenged conducting of auction to grant leasehold rights on the subject property ignoring him.

2. This Court, by order dated 29.06.2015 in W.P.No.19298 of 2015, while granting adjournment, granted liberty to the respondents to conduct auction, however directed that proceedings of the auction should not be finalized for a period of two weeks. It was further held that it was open to the petitioner to participate in the auction and till the auction was finalized, if the petitioner was in possession, the possession should not be disturbed.

3. The said order was extended until further orders. However, learned Standing Counsel informed the Court that W.V.M.P.No.2173 of 2015 was already filed and therefore, the Court directed listing of the said vacate petition after two weeks.

4. Alleging disobedience of the order dated 29.06.2015 passed by this Court in dispossessing the petitioner from the subject land, this Contempt Case is filed.

5. In support of the contention of the petitioner that he was in possession of the subject land on the date of passing of orders by the Court, documents are enclosed to the affidavit.

6. In the counter affidavit filed on behalf of the respondents, it is the categorical assertion that the auction was actually conducted on 17.06.2015, i.e., before the interim order was passed by this Court and on the same day after finalizing the proceedings, possession was also handed over to the highest bidder. The said xerox papers are now placed on record. One of the papers relate to the statement made by the subsequent lessee stating that on 17.06.2015 possession of the subject property was given to him. Learned Standing Counsel also produced the proceedings of the Assistant Commissioner, Endowments, Guntur District, dated 26.06.2015, confirming the auction. In the affidavit, it is categorically asserted that auction was conducted and possession was handed over to the subsequent highest bidder and the petitioner was not in possession on the date of passing of the interim order.

7. Learned Standing Counsel asserts that the same stand was expressed in the vacate petition and respondents are not raising this contention for the first time in the counter affidavit filed in this Contempt Case.

8. In the reply filed by the petitioner, the petitioner sought to contend that normally auctions are conducted in the month of April/May of the year and as no auction was conducted and since the crop season was already started, the petitioner has raised cotton crop during the agricultural season and has also made huge investment. In support of his contention that the petitioner has already raised new crop, photographs are enclosed to that effect and the receipts are filed showing purchasing of various material.

However, the reply affidavit is silent as to the specific assertion of the respondents in the counter affidavit that on 17.06.2015, possession of the subject land was handed over to the new highest bidder and that the petitioner was not in possession. However, the petitioner sought to contend in the reply affidavit that behind his back, auction was conducted.

9. However, the auction conducted on 17.06.2015 was not the subject matter of the Writ Petition. Furthermore, the categorical assertion of the respondents that the petitioner was dispossessed and possession of the subject property was handed over to subsequent lessee on 17.06.2015 is not denied by the petitioner. This stand of respondents would show that the petitioner was not in possession of land on the day the interim order was passed. Thus, it cannot be said that there was deliberate and willful violation of the directions issued by this Court warranting interference.

10. The Contempt case is accordingly closed. However, it is needless to observe that all the claims of the petitioner, preserved to be agitated in the Writ Petition.

Miscellaneous Petitions, if any, pending in this Contempt Case shall stand closed.

P. NAVEEN RAO, J

Date:12.06.2017

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