

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.228 OF 2016

DATED : 01.06.2017

Between :

Challa Raghava Rao alias Raghavaiah,
S/o.Pulliah, Aged about 77 yrs,
R/o.Kuppenakuntla village,
Penuballi Mandal, Khammam District & another.

..

Petitioners

And

Ms.D.Divya, I.A.S,
Joint Collector, Khammam District & another.

..

Respondents



This court made the following :

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ORDER :

Petitioners herein are the petitioners in W.P.No.30835 of 1998. W.P.No.30835 of 1998 was disposed of along with W.P.No.17939 of 1999. In the writ petition instituted by the petitioners, their grievance was against the order passed by the Joint Collector under A.P.(Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short 'the Act, 1950').

2. The contention of the petitioners was that once the Joint Collector held that the appellants therein who are petitioners in W.P.No.17939 of 1999 are not the protected tenants, the jurisdiction of the Joint Collector automatically gets ousted and she cannot pass further orders, whereas the order passed by the Joint Collector held that there is a shortfall of extent of land by the appellants therein and land of petitioners to an extent of Ac.2-18 guntas would form part of the said land. This order of the Joint Collector is set aside by judgment dated 31.03.2015.

3. Thus, as noted above the issue for consideration in the writ petition was whether the Joint Collector was competent to deal with the issue of ownership and possession of land by the petitioners herein and appellants before the Joint Collector, when once the Joint Collector holds that the appellants before him were not protected tenants and therefore are not entitled to any relief under the Act, 1950.

4. The specific pleading raised in the additional affidavit filed by the petitioners would go to show that after the disposal of writ petitions, they filed applications to grant pattedar pass books under A.P.Rights in Land and Pattedar Pass Books Act, 1971 (for short 'the ROR Act'). The said claim of the petitioners was rejected by the competent authority vide his order dated 28.01.2016. Learned counsel for the petitioners contend that this rejection amounts to violation of the order of this Court in W.P.No.30835 of 1998.

5. As noted above, the issue considered in the writ petition was not with reference to entitlement of the petitioners for issuance of pattedar pass books. Therefore petitioners cannot complain that not issuing pattedar pass books, would amount to violation of the directions of this Court in the writ petition filed by them. Therefore, it cannot be held that the respondents committed contempt of the orders of this Court warranting initiation of the proceedings under the Contempt of Courts Act.

6. Accordingly, the Contempt case is dismissed. However, it is left open to the petitioners to work out their remedies as available in law, if they have any grievance with reference to issuance of pattedar pass books. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

P.NAVEEN RAO,J

1st June, 2017
Rds