

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

C.C. No. 107 of 2017

ORDER:-

This Contempt Case is filed alleging willful disobedience on the part of the respondent in complying with the order dated 04.08.2016 passed by this Court in W.P. No. 21862 of 2016.

Smt. J. Sridevi, learned Government Pleader for Land Acquisition, appearing on behalf of the respondent, has handed over in the Court, counter affidavit filed by the Special Deputy Collector (L.A.) J.L.I.P. (the then PJP Gadwal) Gadwal, Jogulamba, Gadwal District, Telangana State, wherein it is stated that the lands in Sy.Nos. 77/ 2, 78/ 2 and 79/ 2, total extent of Ac.29.13 guntas of Nettempad village and the lands in Sy.Nos. 93/ 2, 94/ 2, 95/ 2 & 96/ 2, total extent Ac.22.38 guntas of Nagardoddi village of Dharur Mandal, thus, a total extent Ac.52.11 guntas were proposed to acquire for establishment of Rehabilitation and Resettlement Centre at Nagardoddi village. The advance possession of the lands was not taken by the Government. The possession of the lands is still with the petitioners and they are cultivating the lands.

As per Section 11-A of the Land Acquisition Act, 1894, the Collector shall make an Award under Section 11 within a period of two years from the date of publication of the

Declaration. Hence, the draft declaration was lapsed by 19.10.2015. The same has been informed to the Executive Engineer, I & CAD, LAR Division, Gadwal, vide this Office Lr.No.C/ 133/ 2013 & C/ 148/ 2013, dated 01.02.2016 and requested him to furnish fresh requisition proposal under the New L.A. & R&R Act, 2013 and the same is awaited from the Executive Engineer, I & CAD, LAR Division, Gadwal. Soon after receipt of fresh requisition proposals, further action will be taken for initiation of Land Acquisition process. Hence, she has pleaded there is no violation of the directions given by this Court vide order dated 04.08.2016.

The learned counsel for the petitioners has disputed the averments of the counter affidavit and submits that as per the settled law, once emergency clause is initiated then immediately the Government takes possession of the subject lands and then declaration never gets lapsed.

When this Court has put a specific query to the learned counsel for the petitioners as to whether the petitioners are still in possession and cultivating the lands, he has stated that the petitioners have not been cultivating the lands for the last three years. When this Court has put another query as to whether the petitioners are in possession of the lands, he has not specifically stated that they are not in possession. Since the petitioners are not dispossessed from the lands in

question, there is no occasion for the Government to pay compensation to them.

Keeping in view the submissions of the learned counsel for both the parties and the averments made in the counter affidavit which is taken on record, I am of the considered opinion that the respondent has not committed any contempt much less willful contempt as alleged by the petitioners.

Hence, I do not see any merit in this Contempt Case, and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

10.02.2017

bcj

SURESH KUMAR KAIT, J

