

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.1888 OF 2017

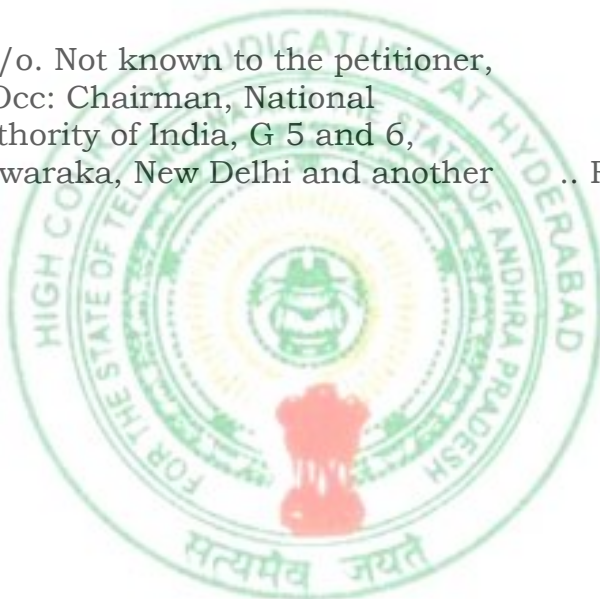
Dated:28.11.2017

Between:

Dr. Y. Ravindranath Reddy,
S/o. Late Mr. Y. Srinivasula Reddy,
Aged 64 years, Occ: Doctor,
R/o. Livia, rep., by his registered GPA
Holder, Smt. D. Vasumathi,
W/o. Mr. D. Srinivalusu Reddy,
Aged 62 years, R/o.H.No.11-3-267/4,
Madhuranagar Colony, Opp: to Srinivanagar
Colony, Secunderabad .. Petitioner

And

R.P. Singh, S/o. Not known to the petitioner,
Aged Major, Occ: Chairman, National
Highways Authority of India, G 5 and 6,
Sector -10, Dwaraka, New Delhi and another .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**CONTEMPT CASE No.1888 OF 2017****ORDER:**

Petitioner filed W.P.No.25864 of 2014 alleging that the respondents are interfering with his land to an extent of Ac.0.18.5 cents equivalent to 748.769 sq. metres in survey Nos.1038-A-2-A and 1038-A-1-A of Kovvur Village and Mandal, Nellore District. The respondents filed counter affidavit denying the contention of the petitioner that they are in occupation of the land belonging to the petitioner. According to respondents, they were only utilizing the land which was acquired and not trying to occupy or utilize the land which was not acquired. They have also asserted in paragraph No.11 of the counter affidavit that National Highway Authority of India (NHAI) is not interfering with the possession of the petitioner's land without giving notification and in the absence of land acquisition proceedings and if the land is required, necessary procedure would be followed. Recording the said statement of the respondents, the Writ Petition was disposed of holding that no further orders are required to be passed therein.

2. Alleging that in spite of the undertaking given before this Court, the land of the petitioner to an extent of 216 sq. yards is utilized and therefore the said action of the respondents amounts to violation of the undertaking given before this Court, this Contempt Case is filed.

3. The 2nd respondent filed counter affidavit denying the assertion of the petitioner. According to the 2nd respondent, NHAI acquired the land of the petitioner to an extent of 141 sq.

metres in survey Nos.1038/A2/A1B in Kovvur Village and compensation was paid. The 2nd respondent reiterated the stand expressed in the Writ Petition. It is the assertion of the 2nd respondent that NHAI has not encroached into the land of the petitioner beyond the point up to which the road was previously laid. The allegation that the staff of the 2nd respondent came over to the subject land on 28.08.2017 and started measuring the same without issuing any notice is illegal and denied. According to the respondents, the Mandal Surveyor has measured the extent of land required for widening and got the sub-division record verified with the Deputy Inspector of Survey; the same extent of land was notified and published; award was passed and compensation was also paid. It is asserted that NHAI is not encroaching/entering into the land of the petitioner beyond the acquired land of 141 sq. metres and they would follow due procedure if any additional land is required.

4. Except asserting that the excess land of the petitioner is utilized for laying a road contrary to the undertaking given before this Court in the Writ Petition, no other material is placed on record in support of the allegation.

5. Learned counsel for the petitioner now submits that the petitioner has applied for conducting of joint survey on 24.11.2017.

6. This very request would show that even petitioner is not sure as to whether additional extent of land belonging to him is utilized by NHAI.

7. In the contempt proceedings, allegation of violation of the directions of the Court has to be very specific and such violation has to be willful and deliberate. In the case on hand, no specific allegation is made. Further, in the facts of the case, it cannot be held that the violation is deliberate or willful warranting initiation of proceedings under the Contempt of Courts Act.

8. The Contempt Case is accordingly closed. However, it is open to the petitioner to work out his remedies as available in law on the issue of utilization of excess land than what was acquired and requesting for conducting of survey.

Date:28.11.2017

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P. NAVEEN RAO, J

