

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1831 OF 2017

DATED : 20.11.2017

Between :

Puli Krishna S/o.Ramaiah,
Aged about 54 yrs, R/o.D.No.10-6-95/4/1,
Burhanpuram, Khammam .

.. Petitioner

And

Sri B.R.Meena,
Principal Secretary to Government (revenue),
State of Telangana,
Secretariat, Hyderabad & others.

.. Respondents



This court made the following :

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ORDER:

This Court disposed of W.P.No.21625 of 2014 by order dated 12.8.2014. The operative portion of the order read as under :

“In view of that, this Writ Petition is disposed of setting aside the impugned memo and remitting the matter to the second respondent for fresh consideration by taking up the sub-division work by collecting necessary charges from the petitioner and then, take appropriate steps for conducting survey expeditiously.”

2. Alleging that the order of this court is not complied and that no survey was conducted as required, this contempt is filed.

3. In the counter affidavit filed on behalf of the 2nd respondent, deposed by the incumbent Tahsildar by name Sri P.Sambashiva Rao, he states that the survey as directed by this Court was taken up by the Mandal Surveyor by issuing notice on 05.06.2015 directing the petitioner to be present on 10.06.2015 for conducting survey. Accordingly survey was conducted in the presence of Village Revenue Officer and Mandal Revenue Inspector along with other neighbouring farmers. The Mandal surveyor prepared sub-division sketch and demarcated the lands in favour of the petitioner as per the Circular instructions of the Commissioner of Survey, Settlements and Land Records, Andhra Pradesh, dated 13.07.2007. According to the 2nd respondent, in the survey conducted by Mandal Surveyor, it was found that petitioner was in possession of land to an extent of Ac.5-14 guntas in Sy.No.110 only and petitioner was not found in possession of the land in Sy.Nos.108 and 109. In the counter it is further stated that when

the Tahsildar offered copy of the survey and sub-division sketch to the petitioner, he refused to take the same. Thereafter, the petitioner applied for the said documents under the Right to Information Act, on 26.07.2016 and accordingly, the information sought by him was furnished on 10.08.2016.

4. As noted above, the direction of this Court was to take up sub-division work by collecting necessary charges. The averments made in the counter affidavit would disclose that survey was conducted for sub-division and sub-division work was completed.

5. At this stage, learned counsel for the petitioner sought to contend that the exercise undertaken by the 2nd respondent was not in accordance with the Circular Instructions dated 13.07.2007 and demarcation was not properly done and sought to contend that no decision was communicated to him by the Tahsildar.

6. A bare look at the order of this Court, it does not indicate making of an order and communication of the same. The direction was only to undertake sub-division work and accordingly, the sub-division work was undertaken. If the petitioner has any grievance on the manner in which sub-division work was undertaken or the sub-division work was not undertaken strictly in accordance with the Circular Instructions of Commissioner of Survey, Settlements and Land Records, he has to work out his remedies independently. No case is made out for initiation of contempt proceedings against the respondents under the Contempt of Courts Act.

7. Accordingly, the Contempt case is closed. There shall be no order as to costs.

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

P.NAVEEN RAO,J

20th November 2017
Rds

