

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1063 OF 2017

DATED : 02.11.2017

Between :

Solam Nagabushanam S/o.Late Bodaiah,
Aged 42 yrs, Occu : Agriculture,
R/o.Bandarugudem Village,
Manuguru Mandal, Bhadradi Kothagudem District.
.. Petitioner

And

Sri G.Rajeswar Reddy,
Executive Engineer,
Road & Buildings, Kothagudem,
Bhadradi Kothagudem District & others.

.. Respondents



This court made the following :

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CONTEMPT CASE No.1063 OF 2017

ORDER :

W.P.No.963 of 2017 was filed alleging highhanded interference with possession and enjoyment of the land of the petitioner to an extent of Ac.0-30 cents in Sy.No.314/169 of Samithisingaram Village, Manuguru Mandal, Bhadrachalam District. In W.P.M.P.No.1066 of 2017, this Court passed interim order on 05.01.2017 directing the respondents not to interfere or take possession of the property of the petitioner to an extent of Ac.30 cents in Sy.No.314/169. Alleging that inspite of the interim order, the respondents 1 and 2 along with the staff and revenue authorities entered into his land and demolished two small rooms and fencing of the property and taken away material of house wall bricks, household belongings, fencing and the ground was levelled and started digging to construct a building in violation of directions of this Court, this contempt case is filed.

2. All the respondents filed affidavits describing as reply affidavits. Along with affidavit deposed by G.Rajeswara Reddy, Executive Engineer (R&B) Department, the proceeding dated 24.08.2016 of the Tahsildar, Manuguru is enclosed. This proceeding would disclose that a panchanama was conducted and land to an extent of Ac.0-09 guntas in Sy.No.314/2 of Samithisingaram village was handed over to the Deputy Executive Engineer, R&B, Bhadrachalam.

3. It is categorically asserted in the affidavits filed by the respondents that the subject land claimed by the petitioner is in different survey number and the land in which possession was taken and construction activity commenced is in different survey number and that respondents have not interfered into the land claimed by the petitioner. This assertion of the respondents is not denied.

4. It is also seen from the material on record that the possession was handed over to the R&B department on 24.08.2016 i.e., much prior to interim order passed by this Court. Thus, even assuming survey number is same it cannot be said that possession was taken by the respondents after the interim order was passed. Therefore, no case is made out against the respondents to continue the proceedings under the Contempt of Courts Act.

5. 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

2nd November 2017
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