

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.1776 OF 2015

Date 21.07.2017

Between:

Katta Demudu and others.

... Petitioners

AND

N.Yuvaraj IAS and others.

.....Respondents



HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.1776 of 2015

ORDER:

The Contempt Case is filed alleging non-compliance of the order of this Court in W.P.No.13507 of 2015 dated 30.04.2015.

The relief sought for in the writ petition reads as under:

“To issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondents in taking steps to dispossess them from the land situated in Sy.No.80/3 to an extent of Ac.1.04 cents and 80/4 to an extent of Ac.1.24 cents of Jerripothulapalem Village, Pendurthi Mandal, Visakhapatnam District as illegal, arbitrary and is in contravention of provisions of A.P. Assigned Lands (Prohibition on Transfer) Act, 1977, and consequently direct the respondents to desist themselves from laying road in the land assigned in their favour situated in Sy.No.80/3 to an extent of Ac.1.04 cents and 80/4 to an extent of Ac.1.24 cents of Jerripothulapalem Village, Pendurthi Mandal, Visakhapatnam District and not to dispossess them from the said land without following due process of law.”

On 30.04.2015, this Court while ordering notice before admission made the following order:

“Notice before admission to the 5th respondent.
There shall be interim stay of dispossession till 22.06.2015.
Post on 10.06.2015.”

Alleging that there is violation of the order dated 30.04.2015 by laying road, the present contempt case is filed.

In his counter, respondent No.3 – Tahsildar, Pendurthi Mandal had categorically asserted that there was no proposal for laying road in the assigned land of the

petitioners; no sanction or permission was issued for laying road either by respondent No.1 or respondent No.2 or respondent No.3; respondent No.5 in the writ petition might have laid road in the subject land; and, on coming to know about the said unlawful act of respondent No.5, respondent- authorities prevented him from laying road and from using the same.

Learned counsel for the petitioner submits that, in the light of averments made in the counter, the contempt case may be closed giving liberty to the petitioner to take appropriate proceedings against respondent No.5 in the writ petition.

In view of the averments made, in the counter affidavit of respondent No.3, that neither there was proposal for laying road in the assigned land of the petitioners nor was any sanction or permission issued for laying such road by respondent authorities, the Contempt Case is closed. However, it is open for the petitioner to avail remedies available to him in law. No order as to costs.

CHALLA KODANDA RAM,J

Date: 21.07.2017
 usd