

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 1760 of 2015

ORDER :

This Contempt Case is filed for the alleged flouting of the interim order dated 25.03.2015 in Writ Petition No. 7621 of 2015, which reads thus:

“ Notice before admission returnable in four weeks.

The petitioner shall take out notice to respondent Nos. 4 and 5 including the impleaded respondent and shall file proof of service.

Pending further orders, there shall be interim direction as prayed for.”

In the Writ Petition, the petitioner sought for a direction to Respondents 2 and 3 not to dispossess him from the house site allotted *vide* PC Dis. No. 37/2003, dated 23.06.2003 in Survey No. 109-C1, in an extent of Ac.0.03 cents in Kolaganahalli Village, Bommanhal Mandal, Ananthapuramu District.

In the affidavit filed in support of the Contempt Case, it has been averred that pursuant to the interim order, the petitioner had undertaken construction in the subject land on 12.04.2015, however, Respondents 2 and 3 had threatened him not to make construction. On 18.04.2015, the petitioner had therefore, made a representation requesting them not to create any objections for the construction work, however, again, on 20.04.2015, they had warned the petitioner not to carry out any construction in the land. Hence, the petitioner got issued a legal notice on 21.04.2014. However, on 14.05.2015, when the petitioner proceeded with the construction work, the 6th respondent along with Respondents 2 to 5 entered into the premises, abused him in filthy language, beat him and his relatives and demolished some portion of the constructed wall.

While issuing notice in the Contempt Case itself, this Court observed that when the direction was issued in the Writ Petition to Respondents 2 and 3 Tahsildar and Revenue Inspector, the 1st respondent, being the Principal Secretary of Revenue Department, does not have any role to play and hence, no notice was directed to be issued to him. On 21.07.2017, this Court dismissed the Contempt Case as against the 1st respondent. However, a counter-affidavit has been filed on his behalf, probably under the mistaken impression that he was also issued the notice in the Contempt Case, stating that he has no knowledge either of the order complained of or the ground realities in the remote village of Andhra Pradesh.

The 2nd respondent Sri D.V. Subramanyam, Tahsildar of Bommanhal Mandal, (in the cause title, arrayed as Sri P. Subramanyam) filed a counter and an additional counter affidavit stating that he was not present in the village on the fateful day and it is on 10.03.2015, he was present in the village in connection with the inquiry into the complaint and the obstructions that were being caused in extending the water supply under Satya Sai Water Scheme. He had also categorically stated that the photographs filed by the petitioner were morphed, imprinting the date 14.05.2015 on the photographs taken on 10.03.2015.

Insofar as the 3rd respondent Revenue Inspector is concerned, he had filed the counter-affidavit asserting that on 14.05.2015, he was, in fact, at Chitradurga, Karnataka State, attending a marriage at 11.45 A.M. and he had also filed the photograph evidencing the same. Here, it may be noted that Chitradurga is about 90 KMs. from Bommanhal and in normal

circumstances, even if one travels by a car, it takes about two hours. As is evident from the photographs, he was attending the marriage at the relevant point of time. Hence, there is no possibility of the 3rd respondent being present on 14.05.2015 at the place where altercation has taken place.

Respondents 4 and 5 have also filed a counter-affidavit. Though there is an allegation against Respondents 4 and 5, no material has been placed before this Court even *prima facie* to support the same. It may also be noted that in the complaint registered as FIR No. 46 of 2015, at the instance of the father of the petitioner, there is no mention of the names of Respondents 4 and 5. The names mentioned in the statement recorded by the 6th respondent Sub-Inspector of Police on 14.05.2015 were Sarpanch Prameela, Karentu Ramaraju, Lakshmi, Narayana Swamy, Devakka, Prasad, Jayalakshmi, Anjaneyulu and Mahesh and some others, both men and women.

The 6th respondent Sub-Inspector of Police, Bommanahal Police Station, in his counter-affidavit had stated that on receiving the information that on 14.05.2015, there was an altercation in the village, he had rushed to the spot and based on the complaint made by Ms. K. Prameela, FIR No. 45 of 2015 was registered against the named individuals in the FIR, likewise, on coming to know about the hospitalization of certain people belonging to the other group, he recorded the statement of Sri Tippa Swamy at 07.30 at the hospital and the same was also registered as FIR No 46 of 2015. Both the crimes are under investigation. The 6th respondent had specifically denied his involvement in the matter.

From the counter-affidavits filed by the respective official respondents, it is clear that there is no material to say that they have committed contempt of Court proceedings. Hence, the Contempt Case is closed.

However, this Court cannot be oblivious to the fact that in this kind of cases, it is very difficult for the petitioners to bring evidence before the Court. Complacency on the part of the respondent authorities is evident in allowing the two groups to fight to the extent of breaking their heads and causing grievous injuries to each other. The controversy centers around in the matter is as to a particular piece of land over which the petitioner has a claim based on the possession certificate issued by the government, which, according to the unofficial respondents, is a fake and fabricated one. In that backdrop, if the official respondents were also of the opinion that the document, which is the basis for the petitioner to obtain the order of injunction before the civil Court is also the basis for this Court, to pass the interim order not to interfere with the subject property, they ought to have taken immediate steps by filing counter-affidavits and Applications to vacate the interim order in the Writ Petition. In those circumstances, it is the official respondents, who are to be blamed for the entire episode leading to altercations in the village. Hence, the District Collector shall take note of this fact and initiate appropriate proceedings against the respective officers.

CHALLA KODANDA RAM, J

22nd December 2017

ksld