

THE HON'BLE SRI JUSTICE S.V.BHATT

CONTEMPT CASE No.1003 of 2017

ORDER:

The Contempt Case is filed complaining disobedience of interim order dated 01-12-2016 passed in W.P.No.41794 of 2016, which reads thus:

“Notice before admission.

The Assistant Government Pleader (Fisheries) accepts notice for R1 and R3 and Assistant Govt. Pleader (Revenue) accepts notice for R4.

Respondents 3 and 4 are directed to ensure that the land in R.S.No.292/1 of Koniki Village, Pedapadu Mandal, W.G.District, is not used for Fish tank except in accordance with law and with orders for construction of fish tanks from the competent authority.

Post after eight weeks.”

The allegations in support of the alleged disobedience are that the petitioners herein filed W.P.No.41794 of 2016 when G.V.Krishna Rao-5th respondent in the writ petition tried to dig land to convert the same into fish tank. This Court by order dated 01.12.2016, passed the aforesaid interim order. The 1st petitioner filed representation dated 06.05.2017 before the 2nd respondent requesting to obey the order of this Court, dated 01.12.2016, but the 2nd respondent informed that he has no power or authority to stop illegal digging of fish tanks. However, the 2nd respondent has represented before this Court that he has

rejected the application of G.V.Krishna Rao seeking permission for digging of fish tank. He also made a representation before the District Collector, West Godavari, Eluru. The 2nd respondent indirectly supported and co-operated the said G.V.Krishna Rao and his supporters, who dug fish tank in about Ac.1.00 cents of petitioners' lands without any valid permission, thereby disobeyed the orders of this Court and liable for punishment.

On 16.06.2017, this Court admitted the contempt case.

The 2nd respondent has filed counter affidavit and explained the steps taken by the respondents and the stand of the 2nd respondent in the counter affidavit is excerpted hereunder :-

“.... it is submitted that the petitioners filed the above writ petition without disclosing the full facts of the case before this Hon'ble Court. The total extent of Sy.No.292/ 1 of Koniki village is Ac.14.43 cents. Out of which, the petitioners are having two bits of land of different extents. The petitioners are also having land of an extent of Ac.7.11 cents in Sy.No.15 towards the north of Sy.No.292/ 1. Adjacent to Sy.No.15, the petitioners are having Ac.5.93 cents of land in Sy.No.292/ 1 and a further extent of Ac.4.50 cents in Sy.No.292/ 1. Adjacent to it, towards extreme south, Gundapaneni Venkata Krishna Rao, the 5th respondent in the above writ petition is having Ac.4.00 of land in Sy.No.292/ 1. Adjacent to the said land of the 5th respondent, there is another extent of Ac.2.00 of land in Sy.No.292/ 2 belonging to the 2nd writ petitioner, who is none other than the sister-in-law of the first petitioner. Towards eastern side of these lands, there is a drain called 'Kovvakodu' whereas all the other three sides

are surrounded by fish tanks. While the field position stood thus, the petitioners have converted their entire land of Ac.7.11 cents in Sy.No.15 as fish tank. Adjacent to that, they have also converted Ac.5.93 cents in Sy.No.292/ 1 as fish tank whereas the petitioners left Ac.4.50 cents in Sy.No.292/ 1 as vacant land. It is lying vacant and cultivation is being done. Adjacent to the said vacant land, the land belonging to the 5th respondent in the writ petition of an extent of Ac.4.00 in Sy.No.292/ 1 is also lying vacant. The 2nd writ petitioner Smt.Yelamanchili Naga Malleswari also left her land of Ac.2.00 in Sy.No.292/ 2 as vacant. When the 5th respondent in the writ petition made an attempt to convert his land of Ac.4.00 in Sy.No.292/ 1 also as fish tank, the petitioners filed the present Writ Petition and obtained the above said interim orders. It may here be submitted that on the earlier occasion, the 5th respondent's application for conversion of his land into fish tank was rejected by the revenue authorities on the ground that all the requirements are not fulfilled. However, he once again approached the authorities stating that he would make a fresh application for conversion of his land as fish tank.

While things stood thus, when the 5th respondent in the writ petition was about to lay a bund in his land in Sy.No.292/ 1 part, with a view to convert his land into a fish tank, the revenue officials approached the site and stopped and prevented the 5th respondent in the writ petition from laying the said bund in compliance with the directions of this Hon'ble court. Thus, the orders of this Hon'ble Court are being implemented by this respondent scrupulously. There is no violation of the orders of this Hon'ble court as alleged."

In view of the counter of the 2nd respondent and also annexures filed along with the Contempt case, the petitioners

failed to make out that the order, referred to above, has been deliberately and willfully disobeyed by the respondents.

The Contempt Case fails and is accordingly dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 28-07-2017
Prv



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