

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

C.C.No.1823 OF 2017, WP Nos.3640 & 15070 of 2017

COMMON ORDER

W.P.No.3640 of 2017 is filed challenging the action of the 3rd respondent in trying to dispossess the petitioners from their lands admeasuring Acs.2.74 cents & Acs.2.11 cents in Sy.No.107 & Ac.1.16 cents in Sy.No.106 of Kattipudi Village, Sankaravaram Mandal, East Godavari District.

W.P.No.15070 of 2017 is filed to call for the records pertaining to Cr.No.50 of 2017 on the file of the 2nd respondent and quash the same.

While admitting W.P.No.3640 of 2017 on 3.2.2017, this Court in W.P.M.P.No.4338 of 2017 directed the respondents not to interfere with the subject lands of the petitioners which were not covered by Award No.8 of 2015, dated 31.12.2015 & Award No.6 of 2016, dated 6.1.2016 until further orders.

Alleging willful disobedience on the part of the respondents in implementing the said order dated 3.2.2017, C.C.No.1823 of 2017 is filed.

Since there was an allegation of violation of the said order dated 3.2.2017, this Court in C.C.No.1823 of 2017 passed an order on 11.10.2017 directing the Land Acquisition Officer to conduct a survey with the assistance of the Revenue Surveyor with regard to

the land that was acquired, after giving notice to the petitioners and submit a report.

Accordingly, after conducting survey, respondent No.1 submitted the report. In the report, it is categorically stated that the respondents acquired an extent of Ac.2.08 cents in Sy.Nos.106/2A2, 107/2B and 107/3B of Kathipudi Village and an Award No.8 of 2015, dated 31.12.2015 was passed. However, instead of Sy.No.106/1B, Sy.No.106/3A1B was noted in the award proceedings and it was identified while handing over of the lands to the NH Authorities on 24.3.2016 and an errata was given to the award proceedings dated 31.12.2015. The Report also indicates the extent of land in various survey numbers with their boundaries.

In view of the categorical averments made in the report, there cannot be any violation of the order passed by this Court.

However, learned counsel for the petitioners submits that the petitioners' land admeasuring Ac.1.34 cents of land was not covered by the Award and the structures in the said land were demolished by the respondents highhandedly though the same were not covered by the notification.

If it is so, it is for the petitioners to establish the damage caused to the structures at the instance of the respondents for which purpose they have to take appropriate civil proceedings.

Since this Court is satisfied that the said report discloses only Ac.2.08 cents of land was acquired by the respondents, no further orders need to be passed in W.P.No.3640 of 2017.

However, with regard to W.P.No.15070 of 2017, which is filed for quashing of Cr.No.50 of 2017 on the file of the 2nd respondent, at the instance of the 3rd respondent, it is for the police to investigate the said crime. This Court cannot interdict the investigation. However, in view of nature of the complaint and taking into consideration the over all circumstances, the 2nd respondent is directed not to arrest or harass the petitioners during the course of investigation.

In the result, the Contempt Case is closed and the Writ Petitions are disposed of accordingly. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

15th November, 2017
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