

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CONTEMPT CASE NO.449 OF 2015

DATED:15-09-2017

Between:

Syed Ghouse Ali

... Petitioner

And

Sri L. Prabhakar
Assistant Director
Survey, Settlement & Land Records
Warangal, Warangal District
and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. M.V.S. Suresh Kumar, Senior Counsel

COUNSEL FOR RESPONDENT NO.1: Government Pleader for Revenue
(Assignment)

COUNSEL FOR RESPONDENT NOS.2 and 3: Mr. P. Gangaiah Naidu, for Mr. N.
Bharat Babu



THE COURT MADE THE FOLLOWING:

ORDER:

This contempt case is filed alleging wilful disobedience of order dt.27.12.2013 in W.P. No.38394 of 2013.

During the hearing, it has been informed that respondent No.3 – Mandal Surveyor has carried the survey with reference to all the documents, including the family arrangement on which the petitioner has been relying upon. However, on the ground that the family arrangement is not tallying with the revenue record, the lands were demarcated as per the revenue record and the sale deeds produced by one Syed Habib Ali and others.

Mr. M.V.S. Suresh Kumar, learned Senior Counsel appearing for the petitioner, submitted that the survey conducted by respondent No.3 and the report submitted by him ignoring the family arrangement is in deliberate violation of the order of this Court. I am unable to accept this submission, for, non-reliance on the documents produced by the petitioner is different from the method followed by respondent No.3 in conducting the survey and demarcating the land, after considering the documents produced by the petitioner, including the family arrangement. The very fact that respondent No.3 has referred to the family arrangement and assigned reasons for not following the same in his affidavit filed before this Court shows that he has considered the family arrangement and for the reasons assigned by him, he refused to demarcate the lands based on the family arrangement. The scope of the contempt case being limited, the question whether the reasons for which respondent No.3 has not demarcated the lands with reference to the family arrangement are correct or not, does not fall within the scope of the contempt case. Since the survey report is not a document

adjudicating the rival claims of the parties, it does not bind the petitioner. If adversary party tries to take advantage of the survey report detrimental to the interests of the petitioner, he can always avail appropriate legal remedies by questioning the survey report and also the acts done by the adversary party based on the said survey report.

In this view of the matter, I do not find any merit in this contempt case and the same is accordingly dismissed, however, without prejudice to the rights of the petitioner to avail appropriate legal remedies in terms of the observations made hereinbefore.

15-09-2017

bnr

C.V. NAGARJUNA REDDY, J

