

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

CONTEMPT CASE No.2314 of 2016

ORDER: (per Justice Sanjay Kumar)

This contempt case was instituted alleging willful disobedience to the order dated 28.01.2014 passed by this Court in Writ Appeal No.105 of 2014. By the said order, this Court refused to interfere with the order dated 30.07.2013 of the learned single Judge in W.P.No.19352 of 2013, but in so far as the issue of possession was concerned, this Court clarified that in the event the petitioner was in possession factually, then he should be ousted with due process of law. Complaining that the authorities were trying to oust him from actual physical possession without adherence to the rule of law, the petitioner in W.P.No.19352 of 2013 filed this contempt case.

In the counter-affidavit filed, K.Venka Reddy, the Deputy Collector, claimed that the petitioner had lost possession of the subject land on 10.12.2007 pursuant to the proceedings dated 30.11.2007 cancelling the assignment. He therefore asserted that the petitioner was not at all in possession of the subject land.

As the order of this Court left this aspect of actual possession undecided and as the same was being disputed before this Court, the learned Principal District Judge, Khammam, was asked to depute a responsible Judicial Officer to visit the land in question to ascertain as to whether the petitioner herein still continued to remain in possession as claimed by him. The Judicial Officer concerned was given liberty to take the assistance of the revenue officials for verifying this aspect.

Pursuant to the aforestated order, the Secretary-cum-Senior Civil Judge, District Legal Services Authority, Khammam, submitted report dated 28.11.2017, wherein he stated that he visited the subject land in the presence of the Village Revenue Officer and the Revenue Inspector. He certified that the petitioner is in possession of the land as on that date. He confirmed that the petitioner was cultivating the said land and had raised cotton and red gram crop this year.

In the light of the aforestated report, it is clear that K.Venka Reddy, Deputy Collector, filed a false affidavit before this Court.

As the order dated 28.01.2014 in W.A.No.105 of 2014 makes it clear, in the event the authorities wish to oust the petitioner from the land in question, they necessarily have to follow the due procedure laid down by law. Affirming the same, this contempt case is closed. It is made clear that in the event the authorities resort to either use of unlawful force to dispossess the petitioner or make false claims before this Court again, there would be penal consequences. No order as to costs.

SANJAY KUMAR, J

J. UMA DEVI, J

Date: 14.12.2017
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