

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CONTEMPT CASE No.2453 of 2016

ORDER : (Oral)

Vide the present petition, the petitioners seek directions thereby punishing the respondent for wilful disobedience to the orders of this Court, dated 11th August 2016, passed in W.P.No.175 of 2014.

2. Vide the above order dated 11th August 2016, the petitioners were directed to make a representation to the 3rd respondent therein – the Special Deputy Collector (LA) (Unit-V), SRSP, Dr.Ambedkar Srujala Sravanthi Project, LMD Colony, Karimnagar. On such representation being made, the 3rd respondent was directed to consider the same and pass appropriate orders thereon, in accordance with law, within a period of four weeks. The 3rd respondent was further directed to convey the decision taken within one week thereafter in writing.

3. Heard learned counsel for the parties.

4. The learned Government Pleader appearing on behalf of the respondent firstly submits that the petitioner never made representation to Unit-V, however, some unknown person served the order dated 11th August 2016 passed by this Court; there upon, the 3rd respondent sent an intimation dated 22nd February 2017, whereby, informed that the houses of writ petitioners and other houses of Kandikatkur village are not required for acquisition as they are not coming under submergence of the MMR Project; the Land Acquisition Officer is not competent to take any action for acquiring the lands/houses unless and until a requisition is received from the Requisition Department for acquisition of the same.

5. Counsel for the petitioners has disputed the submission made by the Government Pleader, however, submits that on 1st September 2016, the copy of the

judgment and the representation were personally handed over in the office of the 3rd respondent (Unit-V) and the stamp of the said office is affixed on the order passed by this Court. This Court directed to make a representation to the 3rd respondent, and on making such representation, the 3rd respondent shall take decision within four weeks. However, in the representation, date is not mentioned, but, it seems the said representation is made in the month of August 2016; whereas, it appears from the stamp of the respondent on the copy of the order that the said representation is given on 1st September 2016.

6. From the representation, it is clear that the said representation was made to Unit-VI, whereas, the direction of this Court was to make a representation to the 3rd respondent (Unit-V). Moreover, the respondents have already intimated to the petitioners vide communication dated 22nd February 2017 that the houses of the petitioners are not coming under submergence, therefore, there is no requirement to initiate Land Acquisition proceedings.

7. In view of above, the respondent is discharged from the contempt proceedings. However, if petitioners are aggrieved by the intimation dated 22nd February 2017, liberty is granted to them to challenge the same at appropriate forum.

8. The contempt case is accordingly disposed of. Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

9th March 2017
ajr